

Agenda – Board of Adjustment – May 16, 2018

PUBLIC HEARINGS

**Item No. 11 Variance – 956 Notre Dame Avenue
(Daniel McIntyre Ward)
File DAV 114269/2018C**

WINNIPEG PUBLIC SERVICE RECOMMENDATION:

The Urban Planning Division recommends approval of the application to vary the proposed "RMF-L" dimensional standards of Zoning By-Law No. 200/2006 to remove Condition No. 1 of DAV 175172/2014D which states "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".

Subject to the following condition(s):

- 1.) That if any variance granted by this order is not established by February 27, 2020, this order, in respect of that Variance shall terminate.

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- File: DAV 114269/2018C
- Applicant: 545791 BC Ltd
- Premises Affected: 956 Notre Dame Avenue
- Legal Description: LOT 125 PLAN 2879 64 ST JA, hereinafter called “the land”
- Property Zoned: “C2” – Commercial Community District
- Nature of Application: To vary the proposed "RMF-L" District Dimensional Standards of the Winnipeg Zoning By-Law No. 200/2006 to remove Condition No. 1 of DAV 175172/2014D which states "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".
- Exhibits Filed:
1. Application dated April 27, 2018
 2. Notification of Public Hearing dated April 25, 2018
 3. Manitoba Status of Title 2739480/1
 4. Letter of authorization dated February 8, 2018 from 545791 B.C. Ltd., Tali Zhiubritskaya to Tali Zhiubritskaya
 5. Confirmation from the Zoning and Permits Administrator that the subject property may be posted in substitution for newspaper advertising
 6. Zoning Agreement No. DAZ 240/2012
 7. Plans, Sheets 1 and 2 inclusive, for File DAV 114269/2018C dated March 12, 2018
 8. Report from the Urban Planning Division dated May 8, 2018
 9. Inspection Report

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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.

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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 18-114269\C – 956 Notre Dame AVE

Issue: For consideration at the public hearing for a variance to extend the time limit of a previously approved variance to establish a multi-family residential use.

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
Dylan Harris	B. Smith (RPP)	n/a	n/a	

RECOMMENDATIONS

The Urban Planning Division recommends approval of the application to vary the proposed "RMF-L" dimensional standards of Zoning By-Law No. 200/2006 to remove Condition No. 1 of DAV 175172/2014D which states "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".

Subject to the following condition(s):

- 1.) That if any variance granted by this order is not established by February 27, 2020, this order, in respect of that Variance shall terminate.

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 variances will be **approved**.

FILE/APPLICANT DETAILS

FILE: DAV 18-114269\C
RELATED FILES: N/A
COMMUNITY: City Centre Committee
NEIGHBOURHOOD #: 1.108 Daniel Mcintyre

SUBJECT: To vary the proposed "RMF-L" dimensional standards of Zoning By-Law No. 200/2006 to remove Condition No. 1 of DAV 175172/2014D which states "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".

LOCATION: 956 Notre Dame AVE
LEGAL DESCRIPTION: LOT 125 PLAN 2879 64 ST JA

APPLICANT: 545791 B.C. LTD
3148 TERRAVIEW CRT
BURLINGTON , Ontario L7M 1E9

OWNER: 545791 B.C.LTD
3148 TERRAVIEW CRT
BURLINGTON , Ontario L7M 1E9

HISTORY

- On February 5, 2013 the City Centre Community Committee approved the rezoning of 956 Notre Dame Ave. from the "C2" Commercial Community to "RMF-L" Residential Multi-Family Large to establish an 18 unit multi-family residential use.
- Variances for lot area, side yards, number of parking spaces, parking area side yard, parking directly from a public lane and no accessible parking space were required. These variances were approved as part of rezoning application DAZ 240/2012.
- On February 17, 2015, the City Centre Community Committee approved variance DAV 175172/2014D to remove the condition one (1) of DAV 176016/2012D which requires "That 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."

- This condition was replaced with a new condition which says “That if any variance granted by this order is not established by February 27, 2018, this order, in respect of that Variance shall terminate.”
- DAZ 240/2012 was subject to a zoning agreement which limits the height of any structure at 956 Notre Dame Ave. to 60 feet.

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 south side of Notre Dame Ave, in the Daniel McIntyre neighbourhood of the Daniel McIntyre ward.
- The site is located in a Mature Community as designated in the *Complete Communities* Direction Strategy.
- The property is zoned “RMF-L” Residential Multi-Family Large and is 7529 sq. ft. in area.
- A commercial building is currently located on site.

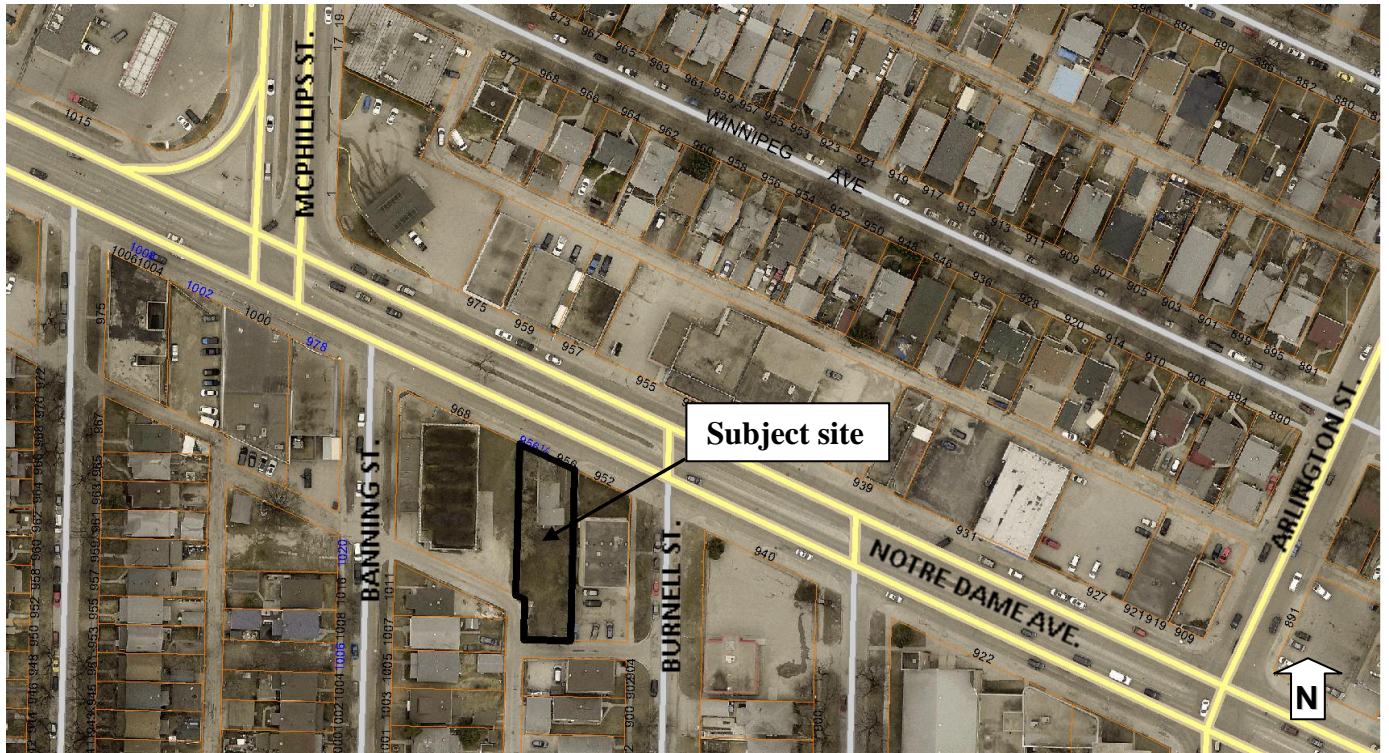


Figure 1: Aerial Photo of Subject Site and Surrounding Uses (flown 2016)

- North:** Notre Dame Ave. then commercial uses zoned “C2” Commercial Community.
- South:** A rear lane then two family residential uses zone “R2” Residential Two Family.
- East:** Multiple family residential uses zoned “C2” Commercial Community.
- West:** A place of worship zoned “C2” Commercial Community.

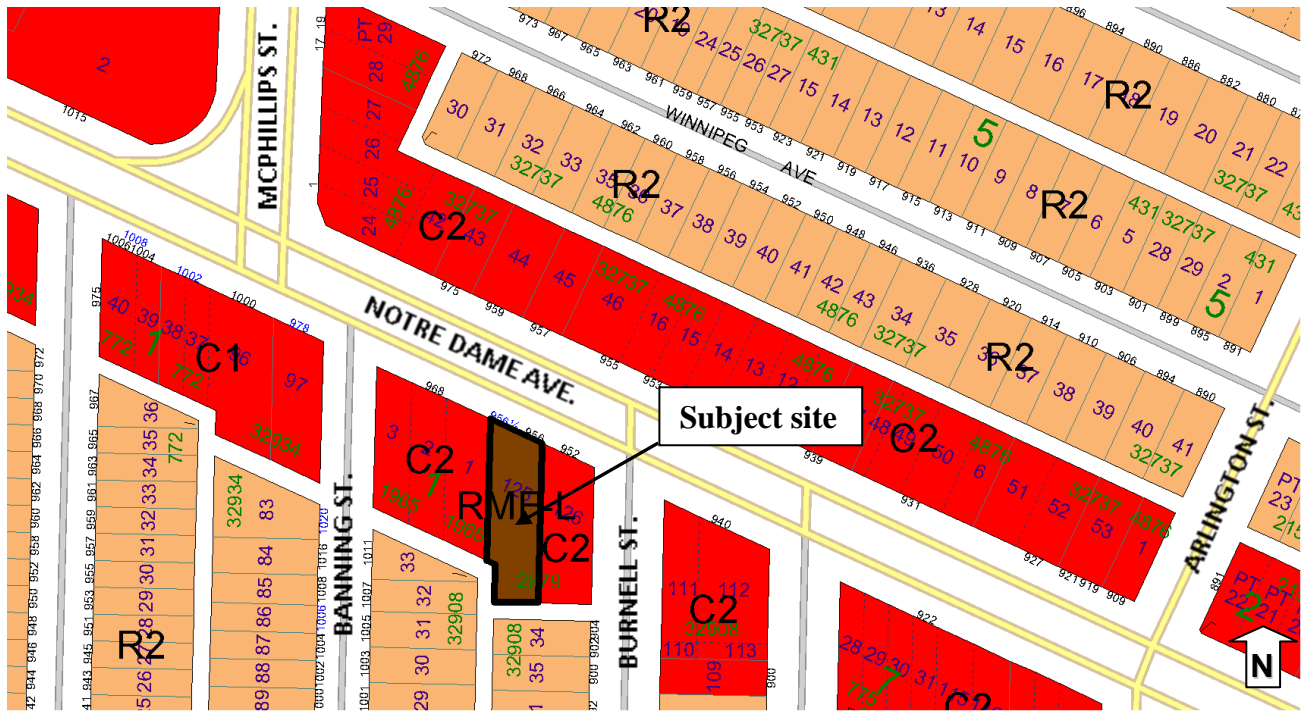


Figure 2: Zoning of the site and surrounding area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant successfully rezoned the subject property in 2013 to the “RMF-L” Residential Multi-Family Large district in 2013 to establish a three (3) storey, 18 unit residential structure.
- The letter of intent submitted by the applicant as part of this variance application indicates the units provided as part of this development will be affordable, rental, loft style apartments.

REASONS FOR APPLICATION

Removal of time limit condition

A condition of approval for variances associated with DAZ 240/2012 was a time limit which states “that 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.”

The applicant was unable to establish their proposed multi-family use within the two year period. They received a two year extension for their required variances which expired in February of 2018.

Despite the extension, the applicant was unable to begin their proposed development by February of 2018. The applicant wishes to proceed with their application and has requested another extension of their previously approved variances.

ANALYSIS AND ISSUES

COMPLETE COMMUNITIES DIRECTION STRATEGY

- The subject property is located in a Mature Community.
- *Complete Communities* states Mature Communities “present some of the best opportunities to accommodate infill development, to increase housing choice and to maximize the use of existing infrastructure.”
- Areas of Stability / Mature Communities Direction 1 in *Complete Communities* states the public service should “encourage conservation and upgrading of existing housing in mature areas and expand housing opportunities through infill development.”
- The subject property is also on the Notre Dame Ave. corridor. *Complete Communities* provides policy support for Transformative Areas –Centres and Corridors to develop in a fashion that:
 - Provide a mix of employment, higher density residential opportunities, retail and service uses that support the needs of and respect the context of adjacent communities.
 - Support a range of housing opportunities in terms of type, tenure and unit size.

The proposed 18 unit, multi-family residential is an example of a context sensitive, infill development which adds residential opportunities to a corridor in a fashion consistent with the vision for a Mature Community and a corridor as identified in the *Complete Communities* direction strategy.

VARIANCES

As stated in the letter of intent, the applicant is requesting an extension of their variance approval due to unforeseen circumstances. The death of both the matriarch and patriarch of the family who previously owned the development company responsible for the proposed development at 956 Notre Dame Ave. has resulted in extended project timelines. The applicant, who has been appointed trustee of the estate of the previous owners, is now ready to proceed with the previously approved development.

The proposed project is consistent with the vision for development on a corridor such as Notre Dame Ave. as described in the *Complete Communities* direction strategy. The applicant has also provided reasonable justification for the delays in their development process. For these reasons, the Urban Planning Division **supports** this variance.

REASONS FOR RECOMMENDATIONS

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

- (a) is consistent with Plan Winnipeg and any applicable secondary plan;
In that, the proposed 18 unit, infill, multi-family development is consistent with the vision for Mature Communities and corridors as identified in the *Complete Communities* direction strategy.
- (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 multi-family development is adjacent to an existing multi-family development of a similar density and is consistent with the types of uses on this section of Notre Dame Ave.
- (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, by removing the existing condition and granting an extension of the variances, the applicant will be able to develop their property in a fashion consistent with their established "RMF-L" Residential Multi-Family zoning rights.
- (d) is compatible with the area in which the property to be affected is situated.
In that, the proposed multi-family use is governed by zoning agreement which limits the height of the proposed development to 60 feet, ensuring context sensitivity.

CONSULTATION

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

SUBMITTED BY

Department: Planning, Property and Development
Division: Urban Planning
Prepared by: Dylan Harris (MCP)
Date: May 8, 2018
File No. DAV 18-114269\C

Exhibit "7" referred to in File DAV 114269/2018C

TELEPHONE 943-4347

A. POLLOCK, M.L.S.
W. WRIGHT, M.L.S.

POLLOCK & WRIGHT

LAND SURVEYORS

220 GARRY STREET
WINNIPEG, L. MANITOBA

FOR 'CITY OF WINNIPEG'
USE ONLY

MRS. K. ZIUBRYCKI,

This is to certify that I have made a survey of:-

Lot 125, D.G.S. 64 Saint James, Plan No. 2879;

on the 1st day of September, 1970 and have staked the boundaries thereof in accordance with the sketch below.

W. Wright
Manitoba Land Surveyor.

S K E

ZONING AND PERMITS

ERANCH

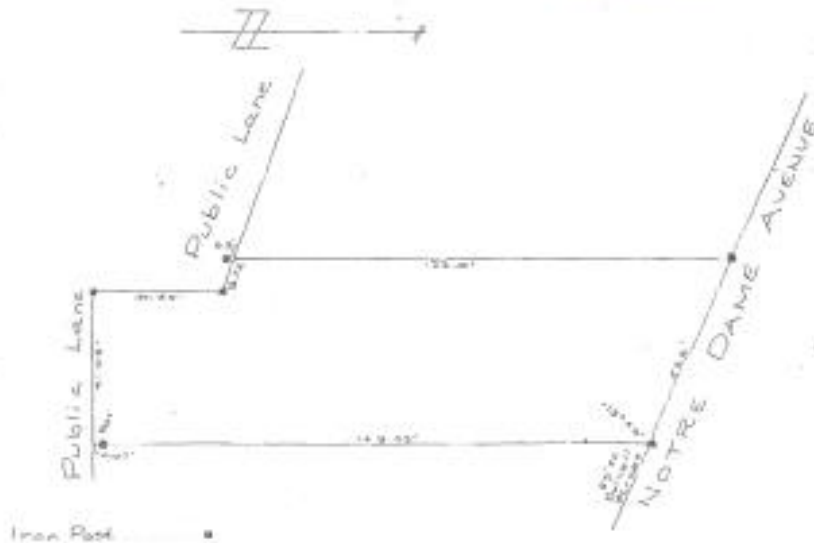
THIS PLAN IS SUBMITTED FOR APPROVAL
IN CONNECTION WITH DAV 114269/18C

SHEET 1 OF 2

APPLICATION (SGD) *[Signature]*

DEV EXAM. KK

DATE 2018.03.12



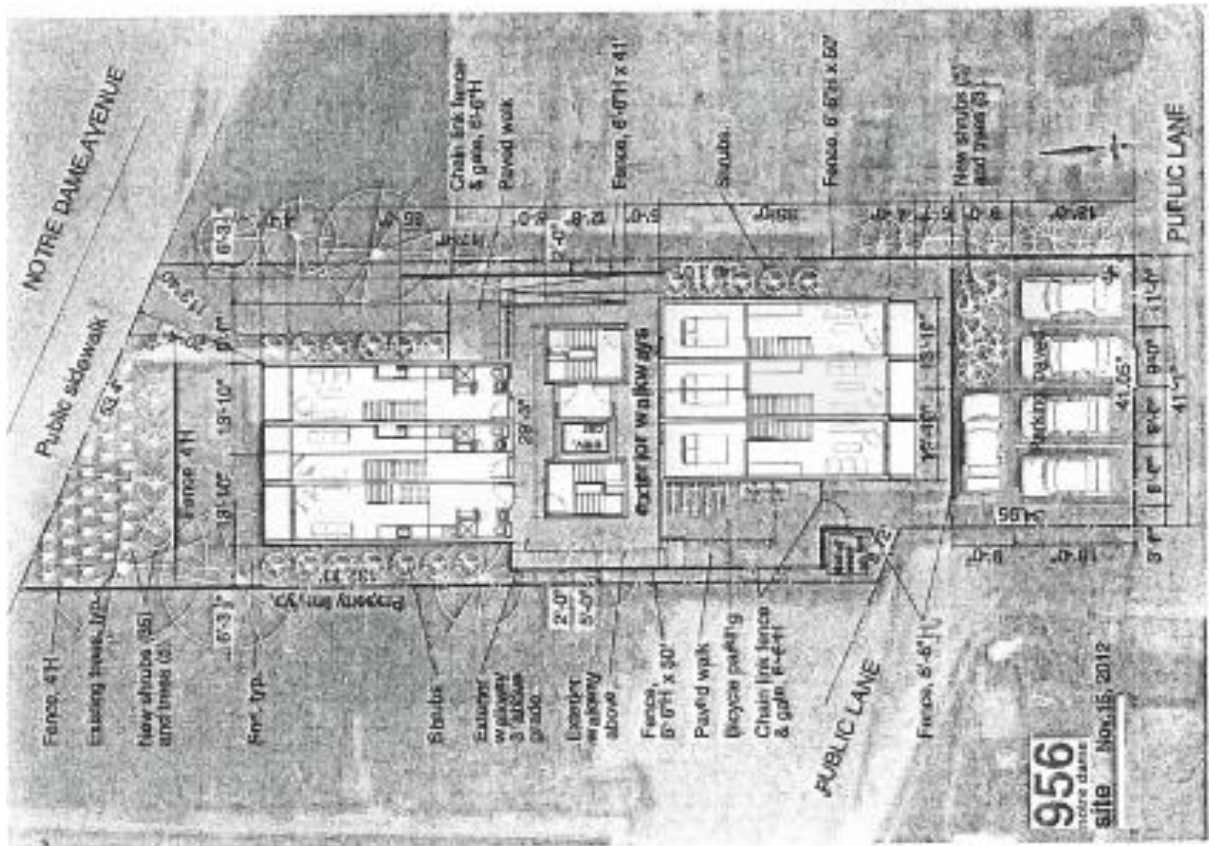
ZONING AND PERMITS BRANCH

THIS PLAN IS SUBMITTED FOR APPROVAL
IN CONNECTION WITH CAV 14269/18C
SHEETS 2 OF 2
APPLICATION (SGD.) [Signature]
DEV EXAM KK
DATE 2018.03.12



- Notes:**
- 75% of assessed lot area
 - C2 present classification
 - Proposed 3-storey, 18 unit residential development
 - Estimated 1 year construction period, 2014 completion

Typical exterior wing walls



956
notre dame
site Nov. 15, 2012