PUBLIC HEARINGS

Item No. 19 Variance – 320 River Avenue (Fort Rouge - East Fort Garry Ward) File DAV 141130/2018C

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 for the construction of a multi-family dwelling to permit as follows:

- 1. a front yard of 3.1 feet (0.94 metres) instead of 20 feet (6.10 metres);
- 2. a north corner side yard of 14 feet (4.27 metres) instead of 20 feet (6.10 metres);
- 3. a south side yard of 9.7 feet (2.96 metres) instead of 12 feet (3.66 metres);
- 4. a rear yard of 3.1 feet (0.94 metres) instead of 25 feet (7.62 metres);
- 5. insufficient street edge landscaping;
- 6. 13 parking spaces instead of 14 spaces.

Subject to the following condition(s):

- 1. That, City-owned trees adjacent to the property be protected in accordance with the recommendations contained in the Arborist Report and Tree Protection Plan submitted to the City on June 25, 2018.
- 2. That if, in consultation with a certified arborist, it is determined that fewer than three (3) existing trees in the River Avenue yard can be viably maintained following construction, the developer shall plant a minimum of three (3) deciduous trees in that yard.
- 3. That the development shall be built in substantial conformance with the plans attached hereto and identified as Sheets 1-7 for File. No. DAV 18-141130C; OR That final plans showing the location and design of buildings, including building elevations, site plans and floor plans shall be submitted to the Director of Planning, Property and Development for plan approval prior to the issuance of any development or building permits.

File:	DAV 141130/2018C
Applicant:	Prairie Architects Inc. (Marshall Kirton)
Premises Affected:	320 River Avenue
Legal Description:	LOT 43/44 PLAN 102 37 ST B, 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 for the construction of a multi-family dwelling to permit as follows: 1. a front yard of 3.1 feet (0.94 metres) instead of 20 feet (6.10 metres); 2. a north corner side yard of 14 feet (4.27 metres) instead of 20 feet (6.10 metres); 3. a south side yard of 9.7 feet (2.96 metres) instead of 12 feet (3.66 metres); 4. a rear yard of 3.1 feet (0.94 metres) instead of 25 feet (7.62 metres); 5. insufficient street edge landscaping; 6. 13 parking spaces instead of 14 spaces.
Exhibits Filed:	 Application dated June 20, 2018 Notification of Public Hearing dated June 25, 2018 Manitoba Status of Title 2514009/1 Letter of authorization dated June 13, 2018 from 320 River Ave Ltd., Laurie Barron to Prairie Architect's Inc. Confirmation from the Zoning and Permits Administrator that the subject property may be posted in substitution for newspaper advertising Plans, Sheets 1 to 7 inclusive, for File DAV 141130/2018C dated June 19, 2018 Report from the Urban Planning Division dated , July 3, 2018 Inspection Report

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

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.

Moved by

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

is consistent is not consistent (a) with Plan Winnipeg, and any applicable secondary plan; (b) does create 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 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.

Exhibit "7" referred to in File DAV 141130/2018C

ADMINISTRATIVE REPORT

Title: DAV 18-141130\C – 320 River AVE

Issue: For consideration at the public hearing for a variance.

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 for the construction of a multi-family dwelling to permit as follows:

- 1. a front yard of 3.1 feet (0.94 metres) instead of 20 feet (6.10 metres);
- 2. a north corner side yard of 14 feet (4.27 metres) instead of 20 feet (6.10 metres);
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- 4. a rear yard of 3.1 feet (0.94 metres) instead of 25 feet (7.62 metres);
- 5. insufficient street edge landscaping;
- 6. 13 parking spaces instead of 14 spaces.

Subject to the following condition(s):

- 1. That, City-owned trees adjacent to the property be protected in accordance with the recommendations contained in the Arborist Report and Tree Protection Plan submitted to the City on June 25, 2018.
- 2. That if, in consultation with a certified arborist, it is determined that fewer than three (3) existing trees in the River Avenue yard can be viably maintained following construction, the developer shall plant a minimum of three (3) deciduous trees in that yard.
- 3. That the development shall be built in substantial conformance with the plans attached hereto and identified as Sheets 1-7 for File. No. DAV 18-141130C; OR That final plans showing the location and design of buildings, including building elevations, site plans and floor plans shall be submitted to the Director of Planning, Property and Development for plan approval prior to the issuance of any development or building permits.

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 3storey multifamily building with 12 units may be approved.

FILE/APPLICANT DETAILS

FILE: RELATED FILES: COMMUNITY: NEIGHBOURHOOD #:	DAV 18-141130\C	
	City Centre Committee 1.111 – River-Osborne	
SUBJECT:	 To vary the "RMF-M" dimensional standards of Zoning By-Law No. 200/2006 for the construction of a multi-family dwelling to permit as follows: 1) a front yard of 3.1 feet (0.94 metres) instead of 20 feet (6.10 metres); 2) a north corner side yard of 14 feet (4.27 metres) instead of 20 feet (6.10 metres); 3) a south side yard of 9.7 feet (2.96 metres) instead of 12 feet (3.66 metres); 4) a rear yard of 3.1 feet (0.94 metres) instead of 25 feet (7.62 metres); 5) insufficient street edge landscaping; 6) 13 parking spaces instead of 14 spaces. 	
LOCATION: LEGAL DESCRIPTION:	320 River AVE LOT 43/44 PLAN 102 37 ST B	
APPLICANT:	Marshall Kirton 139 Market AVE Unit 101 Winnipeg , Manitoba R3B0P5	
OWNER:	221 LAMONT BLVD Winnipeg , Manitoba R3P 0E8	

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 southeast corner of River Avenue and Cauchon Street, in the River-Osborne neighbourhood of the Fort Rouge East Fort Garry ward, directly across the street from Fort Rouge Park.
- The property is designated as being within a Mature Community under the *Complete Communities Direction Strategy*.
- The property is zoned "RMF-M" Residential Multifamily Medium, It is 9,935 sq. ft. in size and currently contains a multifamily dwelling with 4 units.
- The immediate area is characterized primarily by multi-family residential development, with some two-family and single family residential along Cauchon Street, and a City park across River Avenue from the subject property.
- There is regular east/west transit service directly in front of the property on River Avenue. There is regular north-south service on Donald Street 3 blocks east and highfrequency north-south service on Osborne Street 5 blocks west. The Osborne Village commercial strip is 5 blocks to the west.



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

SURROUNDING LAND USE AND ZONING (See Figure 2)

- North: River Avenue, then Park uses (zoned RMF-M Residential Multifamily Medium)
- South: Multifamily dwelling uses (zoned RMF-M Residential Multifamily Medium)
- East: Public lane, then multifamily dwelling uses (zoned RMF-M Residential Multifamily Medium)
- **West:** Cauchon Street, then multifamily dwelling uses (zoned RMF-M Residential Multifamily Medium)

DESCRIPTION OF THE PROPOSED DEVELOPMENT

The applicant seeks variances for yards, landscaping and parking in order to develop a 3-storey multifamily building with 12 units on the subject property.

REASON FOR APPLICATION

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 alignment for the front yard (Cauchon Street) is 20 feet. The applicant proposes a front yard of 3.1 feet, therefore a variance is required.

North corner side yard

In the "RMF-M" district, a corner side yard of 20 feet is required. The applicant proposes a north corner side yard of 14 feet, therefore a variance is required.

South interior side yard

For a 3-storey building in the "RMF-M" district, an interior side yard of 12 feet is required. The applicant proposes a south interior side yard of 9.7 feet, therefore a variance is required.

<u>Rear yard</u>

In the "RMF-M" district, a rear yard of 25 feet is required. The applicant proposes a rear yard of 3.1 feet, therefore a variance is required.

Street edge landscaping

The development requires 3 trees and 15 shrubs along each street edge (River Avenue and Cauchon Street). The applicant is providing a reduced complement of landscaping, and therefore requires a variance.

Number of parking stalls

This development is located within the Urban Infill Area in which parking requirements are reduced by 20%. Fourteen parking stalls are required. The applicant proposes 13 stalls, therefore a variance in required.

ANALYSIS AND ISSUES

OURWINNIPEG

Direction 9 of OurWinnipeg states:

• Collaborate with developers, community organizations and other partners to foster an age-friendly and accessible urban environment.

That Direction sets out the following Enabling Strategy:

• With guidance from Complete Communities, encourage age-friendly and accessible new development in existing neighbourhoods.

The proposed development provides an elevator which enables access to those living with mobility challenges. The development also includes a universally accessible walkway connecting directly to the public sidewalk. These provisions support universal accessibility which is identified as a priority in *OurWinnipeg*.

Housing that supports universal accessibility allows for 'aging-in-place' – an option for residents to remain in their neighbourhood of choice as they move through different stages of life related to age and ability.

COMPLETE COMMUNITIES DIRECTION STRATEGY

As per the *Complete Communities Direction Strategy*, the proposed development falls within the 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.
- 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 provides a moderate density increase to a Mature Community, and adds to the mix of housing types in the neighbourhood, in alignment with goals of Complete Communities.

OSBORNE VILLAGE NEIGHBOURHOOD PLAN

This property falls within the Village Medium Density Area of the Osborne Village Neighbourhood Plan. The Plan encourages a mixture of single-family homes, duplexes, townhouses and multi-family buildings. It restricts the height of buildings along River Avenue to 4 storeys (unless it includes structured parking and an upper storey stepback, in which case 5 storeys is allowed). This development, at 3 storeys, meets the intent of these Plan policies.

The Osborne Plan also contains policies guiding character, urban form and design (Section 3.1). Key highlights relevant to this development include:

- Respecting the traditional character of the area and surrounding properties in terms of pedestrian orientation, mass and scale of surrounding properties, compatible building materials, orientation of entrances to the street, and incorporation of compatible alignment, setbacks, and height of building(s) along the street;
- Providing pedestrian access at the street level, and locating parking, loading, and services entrances at the rear of buildings;
- Ensuring building design reinforces activity and vitality at the ground level through use of architectural elements and accommodate features to create interest on the street level;

Taking in to account the immediate context on River Avenue, which includes building heights and densities similar to this proposal, the development reflects contextual scale and density.

Setbacks are designed to minimize adverse impacts on the abutting apartment building immediately south, and to provide a large front yard along River.

The development builds on the local pedestrian orientation of buildings by providing entrances facing the street, including a glazed entrance adding presence to the corner of River and Cauchon.

The development is clad in brick with some corten steel accents. The brick provides a rich, permanent feel to the building and is complimentary to the more substantial façade materials traditionally used in Osborne Village, in alignment with Character policies of the Osborne Plan.

The development locates the parking inside the building and hides the garbage/recycling enclosure from view of the street.

The development meets the policies of the Osborne Village Neighbourhood Plan.

WINNIPEG ZONING BY-LAW 200/06

The applicant worked with the Urban Planning Division to make design adjustments to enhance vitality at ground level along River and Cauchon. Specifically, the applicant agreed to the following adjustments as shown on the plans:

- Extending the upper level façade treatment down to grade level for portions of both street-facing facades.
- Adding natural prairie grass vegetation along the River and Cauchon building edges.
- Adding a masonry returning wall 10 feet in length on the south building wall in order to screen the parking area from view of the Cauchon sidewalk.
- Employing a high-quality vertical louvered metal screen, also to help screen the parking area.

Yards

Front yard

The Division conducted a site visit and measured neighbouring front yards along Cauchon Street. The front yards of buildings in closest proximity to the subject property are as follows:

- 100 Cauchon Street ~6.5 ft.
- 332 River Avenue ~5.5 ft.

Typically in Mature communities such as Osborne Village, corner properties or block 'end caps' as they are sometimes called, have reduced street-facing yards. This extends building frontage, strengthening the urban 'edge' along important streets (such as River Avenue).

The Division supports this approach but also places importance on yard space for landscaping, in order to 'soften' the edges of buildings. 3.1 feet is sufficient to accommodate a continuous bed of shrubs, which is being provided in the space. The Division therefore supports this variance and recommends that it be approved.

North corner side yard

The north corner side yard is the River Avenue yard. Fourteen feet is approximately the same

setback as the east adjacent historical apartment block at 300 River Avenue, as well as the west adjacent apartment block at 332 River. Because of this context, the Division supports the variance and recommends that it be approved.

South side yard

The Division will often support 6-8 feet for side yards for 3-storey buildings in urban contexts with reduced yards. 9.7 feet exceeds this and allows for the maintenance of several existing trees and shrubs in this yard to serve as a landscaped buffer. The Division supports this variance and recommends that it be approved.

Rear yard

The rear yard is located against the lane. Typically the Division supports small yards against lanes because the lane acts as a buffer, reducing adverse impacts on neighbouring properties. 3.1 feet provides sufficient space for snow storage in the winter. The Division supports this variance and recommends that it be approved.

Street edge landscaping

Although deficient on trees and somewhat on shrubs, the applicant gets Zoning credit for maintaining 3 existing mature trees in the River Avenue yard, and another 3 in the rear yard.

The applicant intends to follow the recommendations of a professional arborist. If it is not possible to save at least 3 trees in the River Avenue yard using those recommendations, the applicant will be required to plant 3 replacement trees in that yard.

Given that the overall landscaping plan is being undertaken with consultation from a professional arborist, and existing landscaping/ trees are being maintained as much as possible, the Division supports the landscaping variance and recommends that it be approved.

Number of parking stalls

The applicant is deficient by 1 parking stall. The applicant is providing all required visitor parking and accessible parking. The Division supports the minor parking variance and recommends that it be approved.

OTHER CONSDIERATIONS

Trees

The Osborne Village Neighbourhood Plan contains policies in Section 8.1.4. regarding "preservation and enhancement of the urban forest of existing mature canopy shade trees".

Due to the presence of several mature trees on and adjacent to the property, the applicant agreed to provide an arborist report to the City. Key highlights of the report are:

- 2 private trees and 4 public trees are significant on the landscape and contribute to the overall canopy cover of the neighbourhood and should be protected in accordance with arborist recommendations.
- The remaining onsite trees are recommended for removal or left at the discretion of the owner because their landscape value is low and/or their heath condition makes them susceptible to construction damage.
- Replacing removed trees with more desirable landscape specimens may be a more suitable option than preservation.

• The recommended tree preservation techniques align with in the City of Winnipeg's minimum Tree Protection Zone guidelines.

The applicant indicates that they will be attempting to preserve 3 mature trees in the River yard in alignment with the arborist's recommendations. As noted above, the Urban Planning Division includes a condition of approval (Condition #2) that if in consultation with the arborist, it is determined that fewer than 3 trees in that yard can be viably maintained following construction, the developer shall plant a minimum of 3 deciduous private trees in that yard.

In terms of adjacent City-owned trees, the Division includes a condition of approval (Condition #1) that these be protected in accordance with the recommendations contained in the Arborist Report and Tree Protection Plan.

Plan Approval

As noted, the applicant and the Division worked closely on aspects of the design as it relates to the street and context. In light of this, the Division recommends that the development be built in substantial conformance with the plans that have been submitted. If there is any change from the plans, then the applicant will be required submit revisions for approval by the Division.

REASONS FOR RECOMMENDATIONS

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

(a) is consistent with Plan Winnipeg and any applicable secondary plan;

In that, the development provides a moderate density increase to a Mature Community, and adds to the mix of housing types in the neighbourhood, in alignment with goals of Complete Communities. The development also meets the residential and character policies of the Osborne Village Neighbourhood 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 variances are in alignment with those for other developments in this urban neighbourhood containing compact, pedestrian friendly urban form.

(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 compatible with the context.

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

In that, the variances are in alignment with those for other developments in this urban neighbourhood containing compact, pedestrian friendly urban form.

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:	Tuesday, July 3, 2018
File No.	DAV 18-141130\C



Exhibit "8" referred to in File DAV 141130/2018C













SOUTH-WEST ELEVATION - LOOKING NORTH DOWN CAUCHON ST.

BRANCH THIS PLAN IS SUBMITTED FOR APPROVAL IN CONNECTION WITH DAV 18-14/130/C airie SHEET# ADDT JUNE 2018 DEV EXAM a DATE JUN 1 9 2018 architects inc.

320 RIVER AVENUE