

Agenda - Board of Adjustment - January 19, 2011

PUBLIC HEARINGS

Item No. 6 **Variance - 261 Dorothy Street**
(Point Douglas Ward)
File DAV 171270/2010C

WINNIPEG PUBLIC SERVICE RECOMMENDATION:

The Planning and Land Use Division recommends approval of the applications to vary the "RMF-S PDO - 1 West Alexander and Centennial" Dimensional Standards of Zoning By-Law No. 200/2006 for the establishment of a two-family dwelling to permit a lot area per dwelling unit of 1,141 square feet (106.0 square metres) instead of 2,500 square feet (232.3 square metres) subject to the following condition:

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.

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File: DAV 171270/2010C

Applicant: 5765154 Manitoba Ltd.
(Gurdeesh Bains)

Premises Affected: 261 Dorothy Street

Legal Description: LOT 25 PLAN 837 11 W ST J, hereinafter called "the land"

Property Zoned: "RMF-S" - "PDO - West Alexander Centennial" - Residential Multi-Family Small - Planned Development Overlay - West Alexander Centennial

Zoning Atlas Sheet: X23

Nature of Application: To vary the "RMF-S" "PDO - West Alexander Centennial" District Dimensional Standards of the Winnipeg Zoning By-law No. 200/2006 for the establishment of a two family dwelling to permit a lot area per dwelling unit of 1,141 square feet (106.0 square metres) instead of 2,500 square feet (232.3 square metres).

Exhibits Filed:

1. Application dated November 30, 2010
2. Notification of Public Hearing dated December 30, 2010
3. Manitoba Status of Title 2488554
4. Surveyor's Building Location Certificate and sketch dated
5. Confirmation from the Zoning Development Administrator that the subject property may be posted in substitution for newspaper advertising
6. Plans, Sheets 1 to 6 inclusive, for File DAV 171270/2010C dated November 30, 2010
7. Report from the Planning and Land Use Division dated January 11, 2010
8. 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.

Moved by

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

REPRESENTATIONS:

In Support:

In Opposition:

For Information:

For the City:

Moved by

That the receipt of public representations be concluded.

Moved by

That criteria (a) to (d) of Subsection 247(3) of The City of Winnipeg Charter, set out below, are / are not satisfied:

- (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.

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Moved by

That the recommendation of the Winnipeg Public Service be / not be concurred in.

Moved by

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

ADMINISTRATIVE REPORT

Title: DAV 10-171270/C - 261 Dorothy ST

Issue: For consideration at the public Hearing for a Variance for allowing the conversion of an vacant, former Licensed Rooming House into a Two-Family Dwelling.

Critical Path: Board of Adjustment as per the Development Procedures By-law and *The City of Winnipeg Charter*.

AUTHORIZATION

Author	Department Head	CFO	CAO
P. Regan	n/a	n/a	

RECOMMENDATIONS

The Planning and Land Use Division recommends approval of the applications to vary the "RMF-S PDO - 1 West Alexander and Centennial" dimensional standards of Zoning By-Law No. 200/2006 for the establishment of a two-family dwelling to permit a lot area per dwelling unit of 11,141 square feet (106.0 square metres) instead of 2500 square feet (232.3 square metres).

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.

REASON FOR THE REPORT

- The land owner intends to convert the existing vacant building into a new two-family residential building with repairs to the foundation and structural improvements.
- The *West Alexander Centennial Secondary Plan* classifies the lands as "Low Density Residential": the use of the lands is limited to single and two-family residential development.
- Zoning By-law 200/06 requires a minimum lot area of 2,500 square feet per dwelling unit whereas the subject lands provide 1,141 square feet per dwelling unit.

- The proposed redevelopment of the boarded up, burnt out, former rooming house into a two family dwelling unit is considered a positive improvement.

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations of the Planning and Land Use Division are concurred in, a development permit can be issued.

HISTORY

The building was a Licensed Rooming House that consisted of two (2) dwelling units and one rented room on the main floor, two (2) rented rooms on the 2nd floor and two (2) dwelling units on the 3rd floor.

The City of Winnipeg received and acted on several complaints over the years regarding the condition of the structure, living conditions within the building, and the condition of the yard.

A fire on August 11th, 2008 caused damages to the exterior walls, floors and roof - south and east elevations of the building.

The building was placed on the Vacant Building Registry in August 19, 2008.

August, 2008 onwards the City of Winnipeg received and acted on several complaints regarding the substandard condition of the boarded up structure, condition of the yard, and under-age drinking occurring on the premises.

The building and land were sold to a new owner who would like to redeveloped the existing structure into a two-family dwelling.

CONSULTATION

In preparing this Report there was consultation with:

N/A

SUBMITTED BY

Department
Division
Prepared by
Date:
File No.

Planning, Property and Development
Planning and Land Use
John Wintrup
January 11, 2011
DAV 10-171270/C

APPENDIX 'A'

DATE: January 11, 2011
FILE: DAV 10-171270/C
RELATED FILES: BP 10 169721HO
COMMUNITY: Lord Selkirk-West Kildonan Community
NEIGHBOURHOOD #: 3.105

SUBJECT: To vary the "RMF-S PDO - 1 West Alexander and Centennial" dimensional standards of Zoning By-Law No. 200/2006 for the establishment of a two-family dwelling to permit a lot area per dwelling unit of 1141 square feet (106.0 square metres) instead of 2500 square feet (232.3 square metres).

LOCATION: 261 Dorothy ST
LEGAL DESCRIPTION: LOT 25 PLAN 837 11W ST J

APPLICANT: Gurdeesh Bains 5765154 Manitoba Ltd
60 PARK BLVD E
WINNIPEG MB R3P 1W4

OWNER:
RECOMMENDATION: Approval

CRITERIA FOR APPROVAL

Pursuant to Section 247(3) of the City of Winnipeg Charter, a Zoning Variance application can be approved if the proposed development:

- (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.

REPORT SUMMARY

- The land owner intends to convert the existing vacant building into a new two-family residential building with repairs to the foundation and structural improvements.
- The *West Alexander Centennial Secondary Plan* classifies the lands as "Low Density Residential": the use of the lands is limited to single and two-family residential development.
- Zoning By-law 200/06 requires a minimum lot area of 2,500 square feet per dwelling unit whereas the subject lands provide 1,141 square feet per dwelling unit.
- The proposed redevelopment of the boarded up, burnt out, former rooming house into a two family dwelling unit is considered a positive improvement.

SITE DESCRIPTION

- The subject property is located on the east side of Dorothy Street between Logan and Alexander Avenues in the West Alexander neighbourhood of the Point Douglas ward.
- The site is 2,282 sq. ft, zoned **RMF- S Residential Multi-Family District - Small**, and is occupied by a Two & 1/2 Storey 19 room residential building constructed in 1905.

- Adjacent properties include a two family dwellings zoned **RMF- S** to the north at 263 and 263 ½ Dorothy (2,271 sq. ft); and a vacant lot to the south owned by the City of Winnipeg.
- Surrounding lands include: directly west across Dorothy, the Stock Exchange Hotel; east across the rear public lane – single family dwellings.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The land owner intends to convert the existing vacant building into a new two-family residential building with repairs to the foundation and structural improvements.
- The building will be similar in design to the adjacent two-family dwelling to the north of the subject site.

ANALYSIS AND ISSUES

West Alexander Centennial Secondary Plan

The subject lands are classified as “Low Density Residential”: the use of the lands is limited to single and two-family residential development. New Development is to be similar in scale and character established by adjacent residences.

Zoning By-law 200/06

- **RMF- S Residential Multi-Family District - Small** is intended to accommodate the development of multi-family units in neighbourhoods with medium to high residential densities.
 - There is a front & rear yard requirement of 25 feet and the maximum building height is 35 feet.
 - The minimum lot area per dwelling unit is 1,250 square feet per dwelling unit.
 -

Land Use By-Law

- The decision of the Board of Adjustment for the variance may be appealed to the Appeals Committee for a new public hearing.

REASONS FOR RECOMMENDATIONS

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

- (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.

- The proposed redevelopment of the boarded up, burnt out, former rooming house into a two family dwelling unit is considered a positive improvement..
- There is an existing two-family dwelling unit on the adjacent lot immediately north of the subject site that is similar in lot area per dwelling unit.
- The West Alexander Secondary Plan classifies the lands as allowing two-family development.

This Report Submitted by:

Planning, Property and Development Department
Planning and Land Use Division

Report Prepared by: John Wintrup
PPD File # DAV 10-171270/C

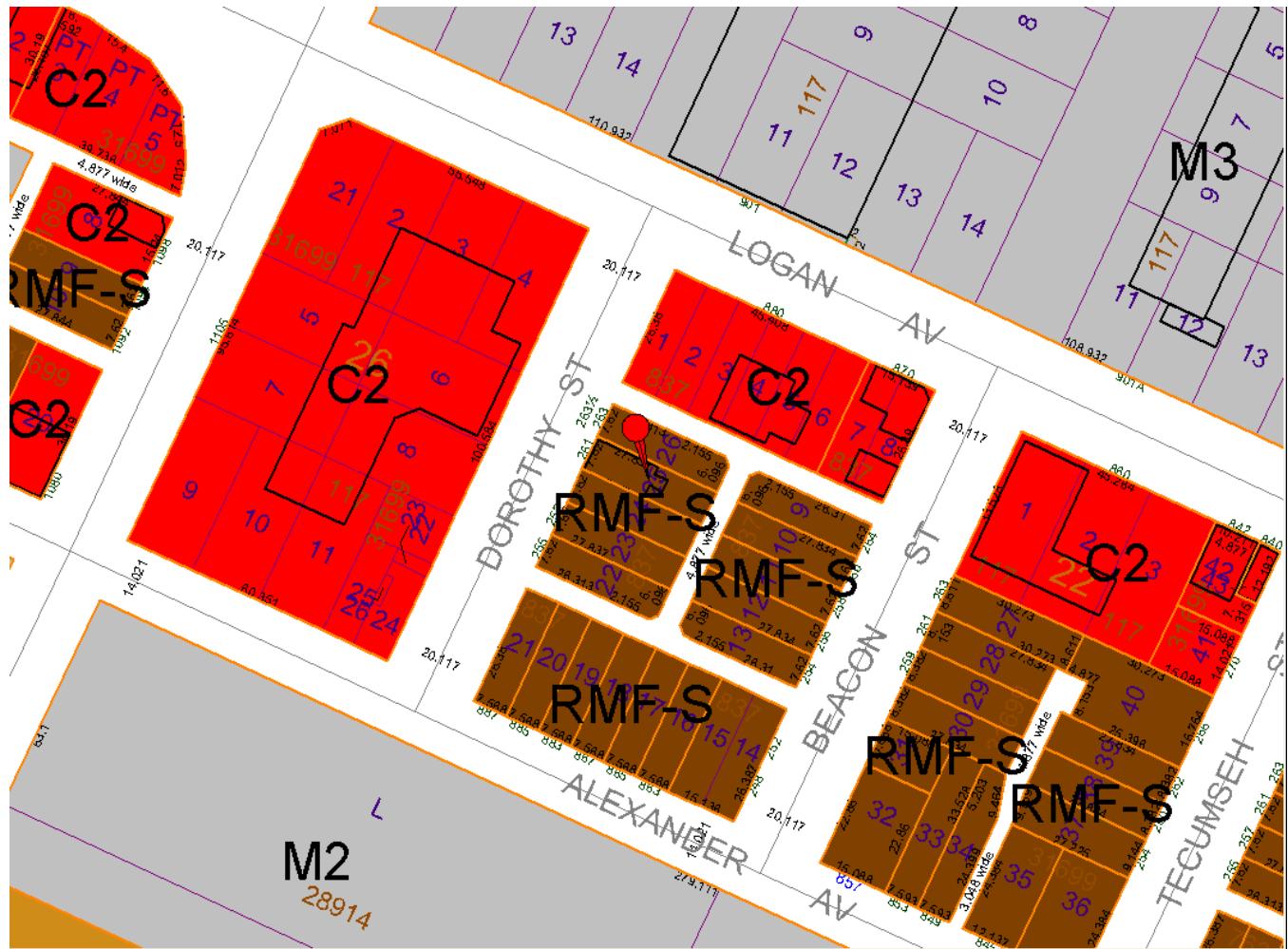
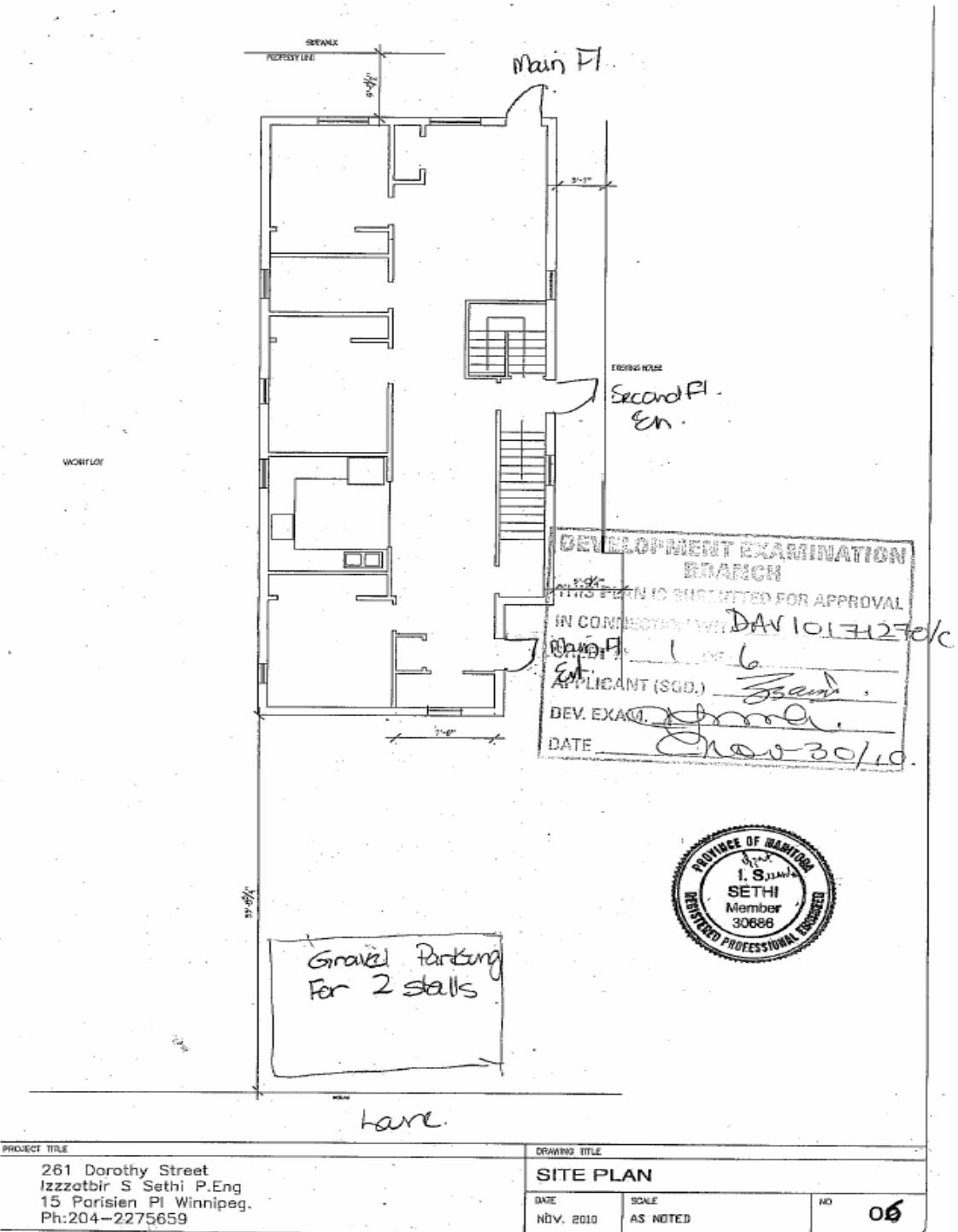


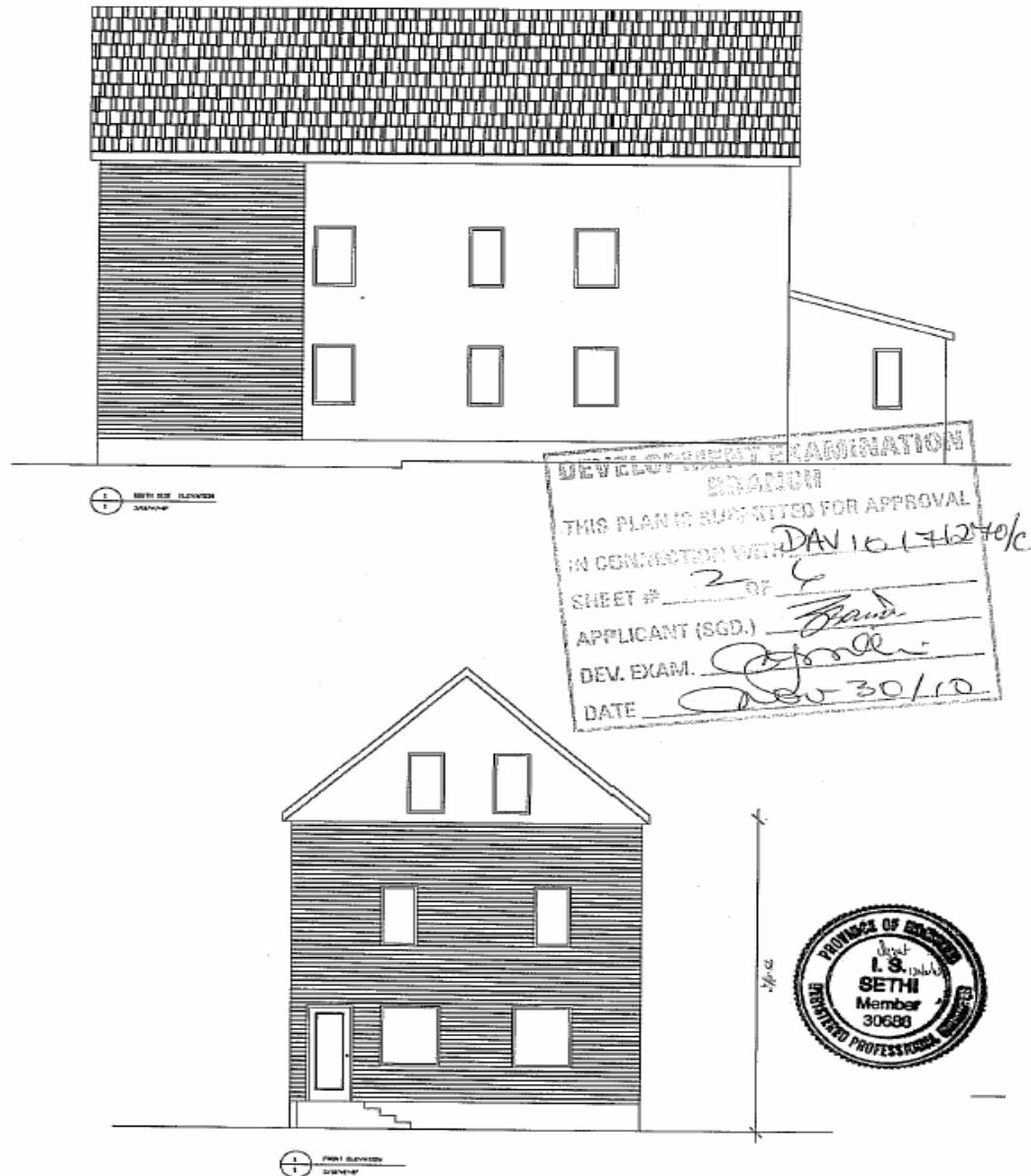
Figure 1: Existing Zoning for subject property and Surrounding Area.



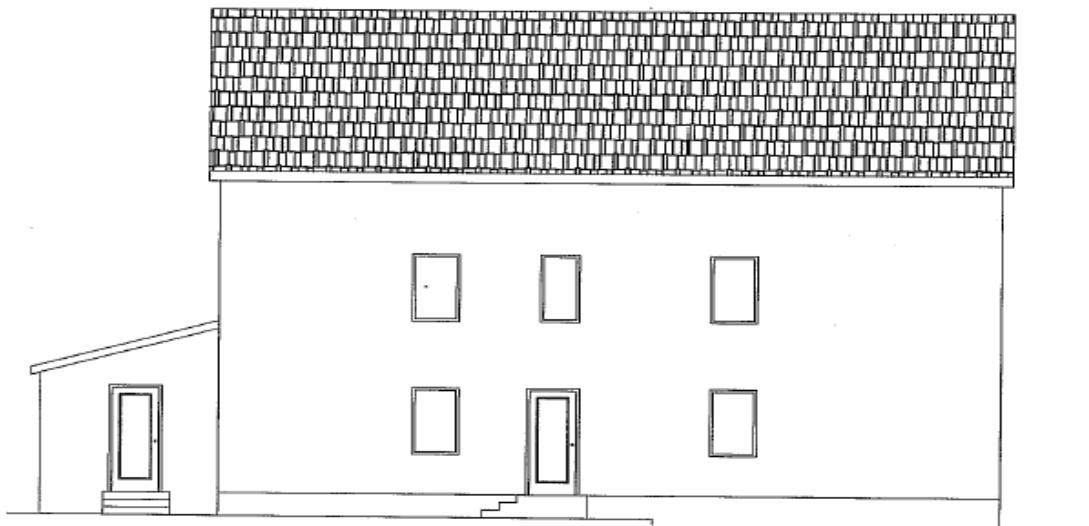
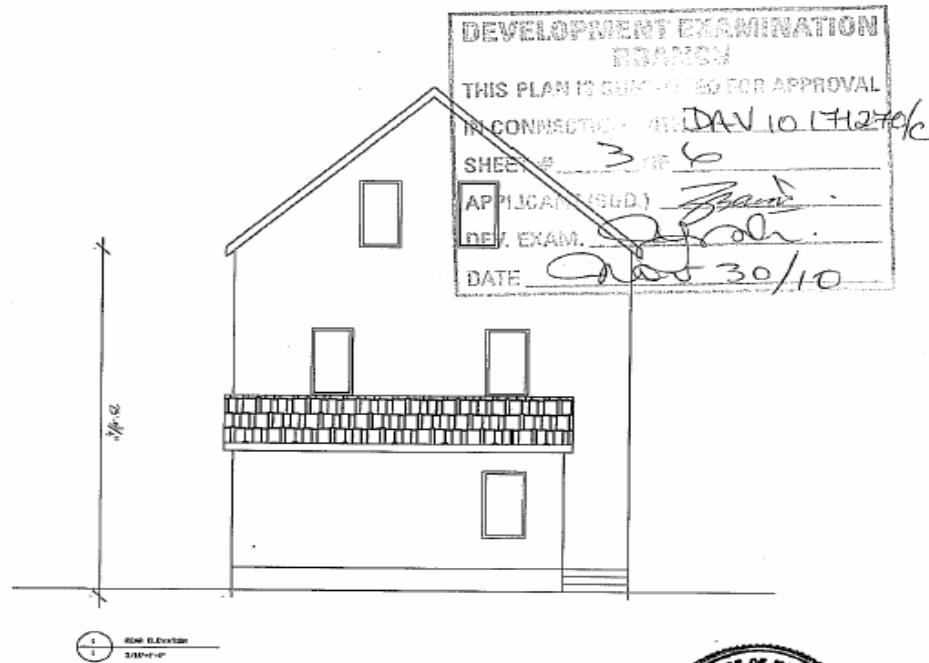
Figure 2: Existing Land-Uses for subject property and Surrounding Area.

Exhibit "6" referred to in File DAV 171270/2010C

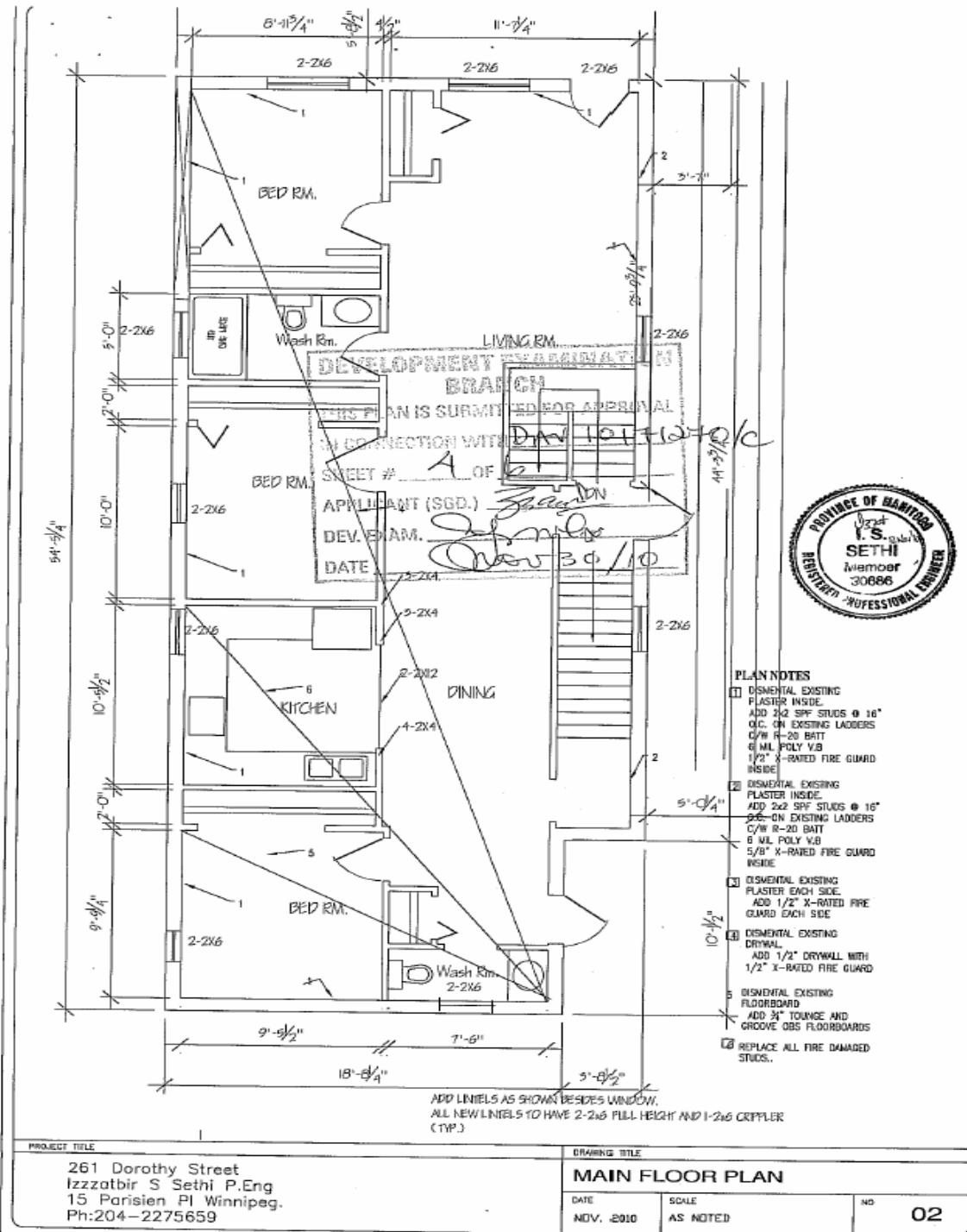


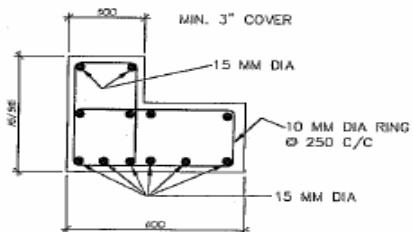
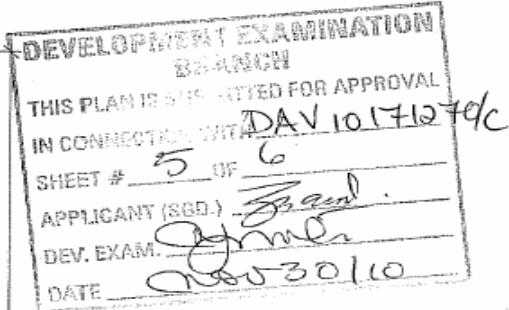
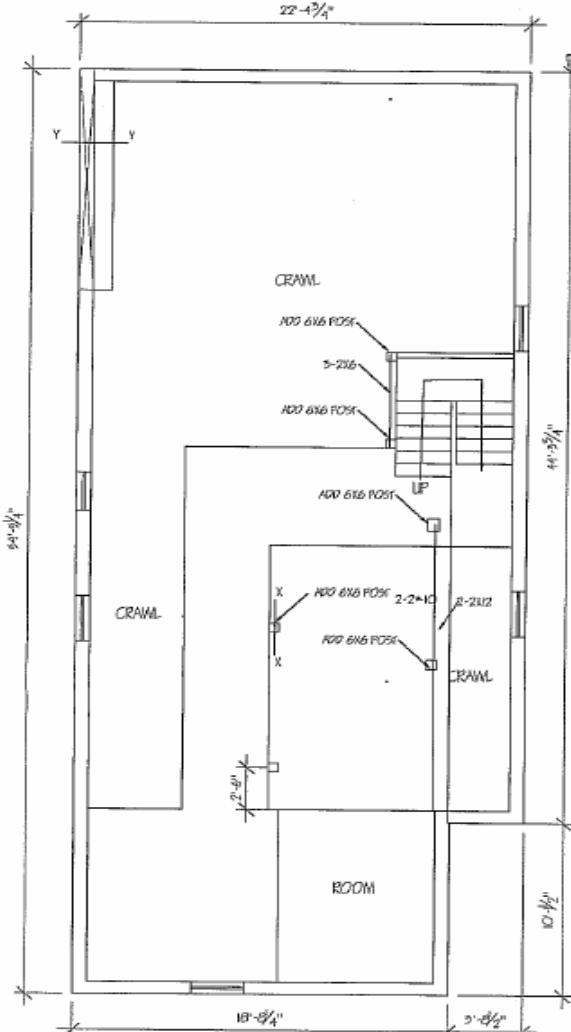


PROJECT TITLE 261 Dorothy Street Izzatbir S Sethi P.Eng 15 Parisien Pl Winnipeg. Ph:204-2275659	DRAWING TITLE ELEVATIONS		
	DATE NOV. 2010	SCALE AS NOTED	ND 04

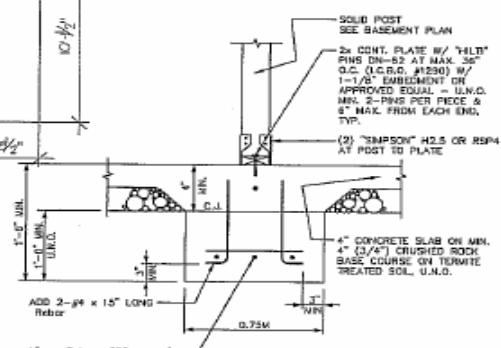


PROJECT TITLE	DRAWING TITLE		
ELEVATIONS			
261 Dorothy Street Izzatbir S Sethi P.Eng. 15 Parisien Pl Winnipeg. Ph:204-2275659	DATE NOV. 2010	SCALE AS NOTED	NO 05





SECTION Y-Y



SECTION X-X

PROJECT TITLE 261 Dorothy Street Izzatbir S Sethi P.Eng 15 Parisien Pl Winnipeg. Ph:204-2275659	DRAWING TITLE BASEMENT PLAN			
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DATE NOV. 2010	SCALE AS NOTED	NO 01		

**DEVELOPMENT EXAMINATION
BRANCH**

THIS PLAN IS SUBMITTED FOR APPROVAL

DAV 1017124

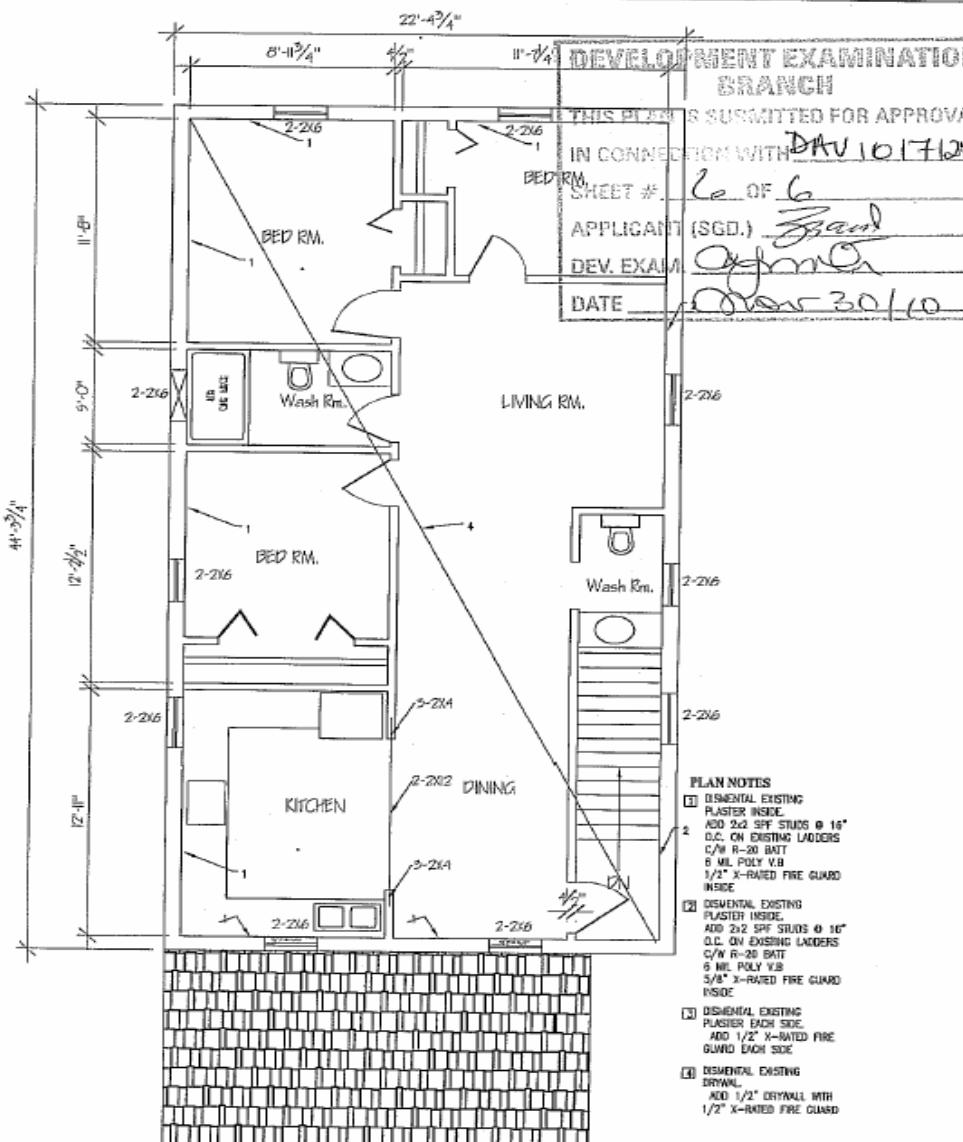
IN CONNECTION WITH

2 OF 6

APPLICANT (SGD.) *Zamir*

DEV. EXAM. *John*

DATE *Nov 30/10*



SECOND FLOOR PLAN
2
AI
SCALE: 1/8" = 1'-0"



PROJECT TITLE	DRAWING TITLE		
261 Dorothy Street Izzatbir S Sethi P.Eng 15 Parisien Pl Winnipeg. Ph:204-2275659	SECOND FLOOR PLAN		
	DATE	SCALE	NO
	NOV. 2010	AS NOTED	03