

Agenda – Appeal Committee – April 20, 2017

PUBLIC HEARINGS

**Item No. 2 Appeal – Conditional Use – 96 St. Mary’s Road
(St. Boniface Ward)
File DCU 171811A/2016C [c/r DAV 171889A/2016C]**

An appeal was received against the decision of the Board of Adjustment to approve a Conditional Use to permit on “the land” the establishment of a multi-family dwelling use, subject to the following conditions:

1. That, the Order shall come into force and effect upon the approval by Council to amend By-law No. 1810/27 to exclude the subject property.
2. That final plans, showing the location and details of buildings, landscaping, parking, walkways, signage, lighting and garbage, shall be submitted to the Director of Planning, Property and Development for approval prior to the issuance of any development or building permits; and thereafter shall be maintained to the satisfaction of the Director of Planning, Property and Development.

Agenda – Appeal Committee – April 20, 2017

File: DCU 171811A/2016C

Appellant: Darla McFarlane

Applicant: Mistecture Architecture & Interiors Inc. (Nikhil Manikonda)

Premises Affected: 96 St. Mary's Road

Legal Description: LOT 26 PLAN 28956 93/98 ST B, hereinafter called "the land"

Property Zoned: "R2" (Residential Two-Family District)

Nature of Application: For a Conditional Use under the Winnipeg Zoning By-Law No. 200/2006 to permit the establishment of a multi-family dwelling use.

Exhibits Filed:

1. Order DCU 171811/2016C dated March 3, 2017
2. Notice of Appeal filed by Darla McFarlane, received March 22, 2017
3. Notification of Public Hearing dated April 4, 2017
4. Confirmation from the Zoning and Permits Administrator that the subject property may be posted in substitution for newspaper advertising
5. Plans, Sheets 1 to 3 inclusive and sheets 5 to 9 inclusive dated December 28, 2016 and Sheet 4, and Sheets 10 to 18 inclusive dated January 26, 2017 for File DCU 171811/2016C
6. Report from the Urban Planning Division dated February 17, 2017
7. Communication dated March 21, 2017 from Darla McFarlane and Amanda Martinson in support of the appeal
8. Inspection Report

Agenda – Appeal Committee – April 20, 2017

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

REPRESENTATIONS:

In Support of the Appeal:

In Opposition to the Appeal:

For Information on the Appeal:

For the City:

Moved by Councillor

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

Moved by Councillor

That the receipt of public representations be concluded.

Moved by Councillor

That in accordance with Section 254 and Subsection 247(3) of The City of Winnipeg Charter, the Conditional Use,

- (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; and
- (d) is is not
compatible with the area in which the property to be affected is situated.

Supporting Comments:

Agenda – Appeal Committee – April 20, 2017

Moved by Councillor

That the appeal be allowed / allowed in part / denied and Order DCU 171811/2016C be confirmed / cancelled.

Moved by Councillor

That the decision of the Board of Adjustment be / not be concurred in.

Moved by Councillor

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

ADMINISTRATIVE REPORT

Title: DCU 16-171811\C – 96 St Mary's RD

Issue: An application for consideration at the Public Hearing for a Conditional Use to establish a multi-family building (6 dwelling units) in the proposed R2 zone.

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 |
|----------------|---------------|-----------------|-----|-----|
| Elise Finnigan | B. Smith | n/a | n/a | |

RECOMMENDATIONS

The Urban Planning Division recommends approval of the application for a conditional use under Zoning By-Law No. 200/2006 to permit the establishment of a multi-family dwelling use.

Subject to the following condition(s):

1. That, the Order shall come into force and effect upon the approval by Council to amend By-law No. 1810/27 to exclude the subject property.
2. That final plans, showing the location and details of buildings, landscaping, parking, walkways, signage, lighting and garbage, shall be submitted to the Director of Planning, Property and Development for approval prior to the issuance of any development or building permits; and thereafter shall be maintained to the satisfaction of the Director of Planning, Property and Development.

REASON FOR THE REPORT

The applicant is proposing to establish a (6) six unit multi-family dwelling on the subject property which is zoned R2. Multi-family dwellings are a conditional use in the R2 zone and therefore a conditional use application is required.

Conditional Use 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 applicant will be permitted to establish a six (6) unit multi-family use on the subject property.

FILE/APPLICANT DETAILS

FILE: DCU 16-171811\C
RELATED FILES: DAV 16-171899\C
COMMUNITY: Riel Committee
NEIGHBOURHOOD #: 5.514

SUBJECT: For a Conditional Use under Zoning By-Law No. 200/2006 to permit the establishment of a multi-family dwelling use.

LOCATION: 96 St Mary's RD
LEGAL DESCRIPTION: LOT 26 PLAN 28956 93/98 ST B

APPLICANT: Nikhil Manikonda
1749 Portage AVE Unit 2
Winnipeg , Manitoba R3J 0E6

OWNER:
300 DAWSON RD N
Winnipeg , Manitoba R2J 0S7

HISTORY

By-law 1810/27

In 1927 the City of St. Boniface established By-law No. 1810 which placed a number of restrictions on the properties located in the Norwood West neighbourhood including the subject property intended to preserve the residential quality of the area. The majority of these restrictions were repealed in 1982 under By-law No. 3177 while others were amended. One of the clauses that was amended and is most relevant to the subject application is Section 1(c) which states:

The following uses only shall be permitted on said land:

- (i) Single-family dwellings; and*
- (ii) Accessory uses incidental to single-family dwellings, pursuant to the applicable zoning regulations under the Town Planning Scheme for the City of St. Boniface 1957.*

DAZ 205/2016

At the June 6th, 2016 Riel Community Committee meeting a public hearing was held for DAZ 205/2016 which was an application to rezone the subject property to "C1" for the construction of

a small scale commercial building. At this meeting the Committee decided to adjourn the item to the following meeting. At the July 4th, 2016 Riel Community Committee meeting the application was withdrawn.

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 conditional use:

- (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;
- (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 St Mary's RD between Monck Avenue and Taché Avenue in the Norwood West neighbourhood of the St Boniface ward.
- The site is located on a Regional Mixed Use Corridor under *the Complete Communities Direction Strategy*. The property is zoned R2 – Residential Two-Family.
- The property is 60 feet wide by 129 feet deep and measures approximately 7,752 square feet in area. The property contains a one-storey single family building with a living area of 1,143 square feet, built in 1927.



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

SURROUNDING LAND USE AND ZONING (See Figure 2)

North: St. Mary's Road and Coronation Park zoned PR2.

South: Single family homes zoned R2 and R1-M.

East: Single family homes zoned R2.

West: Single family homes zoned R1-M.

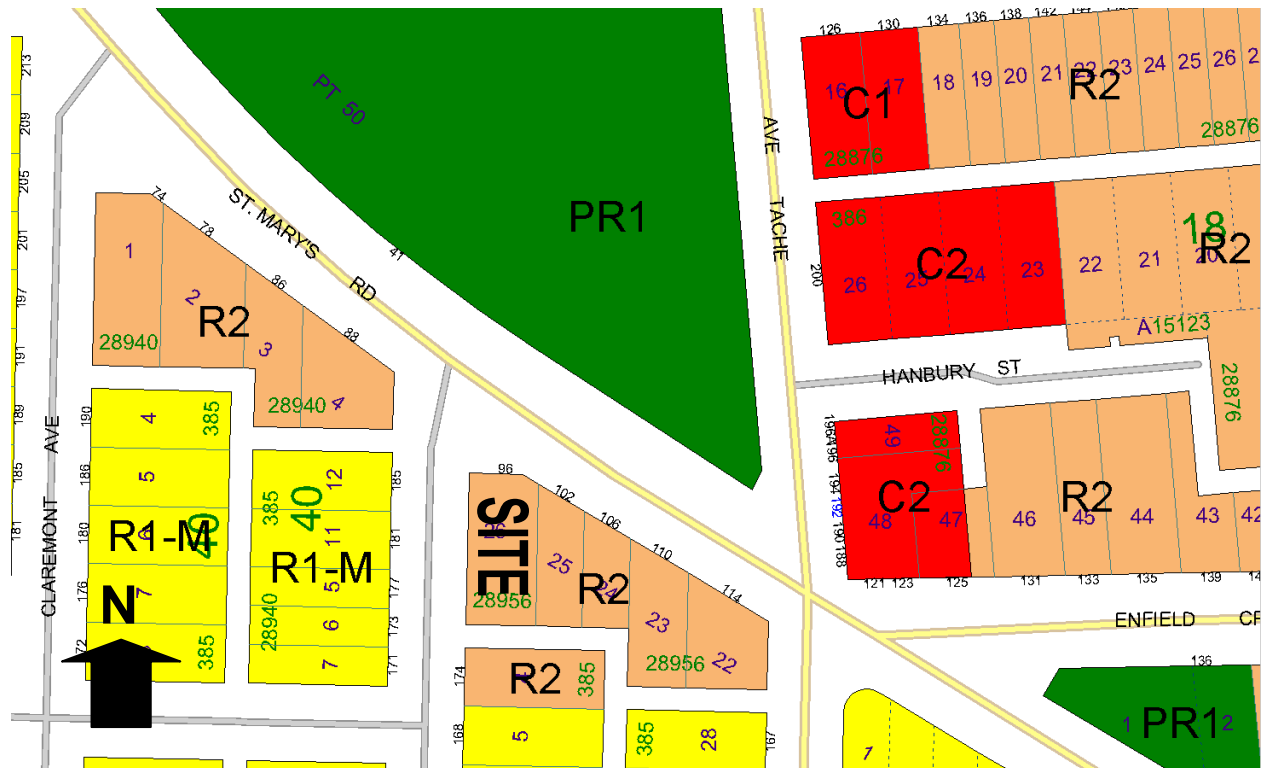


Figure 2: Zoning of the site and surrounding area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant is proposing to build a 6-unit, three-storey (35 feet in height) multi-family dwelling.
- The applicant is proposing to establish twelve (12) parking spaces accessed directly from the public lane with a tandem parking arrangement.
- Three (3) bicycle parking stalls are proposed to be located in the front yard.
- Each unit will have two (2) bedrooms. Suite sizes will range as follows:
 - The main floor suites will be approximately 1,714 square feet;
 - The second/third floor suites will be approximately 1,764 square feet;
- There is an associated Variance application (DAV 16-171889/C) for the proposed front yard; insufficient street edge landscaping; the attached garages; and the outdoor parking area.

ANALYSIS AND ISSUES

OURWINNIPEG AND COMPLETE COMMUNITIES DIRECTION STRATEGY:

- *The Complete Communities Direction Strategy* is one of four direction strategies supporting *OurWinnipeg*, the city's long-range development plan, and has statutory authority as a secondary plan. The strategy guides land use and development in Winnipeg.
- The subject property is located along a "Regional Mixed Use Corridor" (St. Mary's Road) in the *Complete Communities'* Urban Structure map. *Complete Communities'* directs a significant share of growth to Corridors in a way that:
 - Provides compact, mixed-use, high-quality urban development.
 - Concentrates people and jobs in areas well-served by the primary transit service, located close to transit stops.
 - Concentrates urban development in a built form that helps to optimize existing investment, municipal infrastructure, and facilities.
 - Encourages a built form that supports a pedestrian-friendly environment while incorporating climate-sensitive site and building design.
- With regard to this proposal, the key policies guiding the development of Regional Mixed Use Corridors include:
 - 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, unit size.
 - Promote the highest levels of intensification at significant intersections. Between each centre, lower intensities of commercial, residential and mixed use development are appropriate.
 - Support development in accordance with Universal Design and Crime Prevention Through Environmental Design (CPTED) policies.

TRANSPORTATION MASTER PLAN (TMP)

- St. Mary's Road is identified as a Truck Route in the TMP and is classified as an arterial road. Arterial roads primarily provide traffic movement across the City. In this case, St. Mary's Road is the primary feeder route into the Downtown from the south end of the city. This results in approximately 35,600 vehicle trips per day at this location of St. Mary's Road (2015 Average Weekday 24hr Traffic). For context, this segment of St. Mary's Road receives more traffic than Provencher Boulevard (30,200), Corydon Avenue (27,100), Osborne Street (30,400-35,000), and St. Anne's Road (34,000). It also receives almost as much daily traffic as Marion/Goulet Streets (36,200) combined.
- St. Mary's Road is identified as a potential quality transit corridor in the City of Winnipeg's Transportation Master Plan that can become the focal points for new development and redevelopment. The Quality Corridor concept was introduced in Winnipeg between 2007-2009 and refers to high-performance and high-frequency on-street bus routes that are assisted by transit priority measures (diamond lanes, transit priority signals, queue jump

lanes, etc.), and whose major stops are upgraded to include heated shelters, real-time bus departure displays, benches, posted route and schedule information, and other amenities.

CITY OF WINNIPEG ZONING BY-LAW 200/2006

Reason for Conditional Use

The applicant is proposing to establish a multi-family dwelling use on the land. Multi-family dwellings require a conditional use application in the R2 zone.

ANALYSIS OF CONDITIONAL USE

Compatibility

- It is recognized that since the original construction of the existing house on the subject property in 1927 a lot of changes have occurred along St. Mary's Road placing significant pressure on the viability of a single family use at this location. St. Mary's Road has evolved into a major arterial street experiencing over 35,000 vehicular trips per day and warranting its classification under *OurWinnipeg* and *the Complete Communities Direction Strategy* as a Regional Mixed Use Corridor.
- Regional Mixed Use Corridors were identified in the *Complete Communities Direction Strategy* as important areas for accommodating growth as they help accomplish several objectives:
 - Build a critical population mass, creating vibrancy while supporting local amenities.
 - Link land use with transportation and mobility.
 - Accommodate Winnipeg's projected growth in a sustainable way.
 - Increase predictability and reduce the impact of new development and increased traffic in Areas of Stability.
 - Increase certainty for the development industry.
- The subject property is located along a portion of the St. Mary's Road Regional Mixed Use Corridor which is characterized by multi-family, single family, institutional and commercial land uses. It is also located within close proximity to many public transit routes, including high frequency and express routes (i.e., Routes #10, #14, #53, #54, #55, #110). As such, the proposal to establish a multi-family use on the subject property is compatible with existing land uses and aligns with the policies guiding development along Regional Mixed Use Corridors in the *Complete Communities Direction Strategy*. With these considerations in mind, the Urban Planning Division is supportive of the proposed multi-family development.

Zoning

- The "R2"- Residential Two-Family district allows for multi-family units where appropriate through a conditional use application. In this instance, the applicant is proposing to establish six (6) residential units which is a moderate intensification for this location. The proposed density for the site is a lot area per dwelling unit of 1,292, which is in line with the density allowed in the Residential Multi-Family Small zoning category (RMF-S). The maximum density permitted within the R2 zoning district (in association with a successful

conditional use application) is a lot area per dwelling unit of 800, or 9 dwelling units for the subject property.

- It is noted that since the submission of the original application, Council approved a number of amendments to the Zoning By-law (see January 25th, 2017 Council Minutes). One of the approved amendments was a 20 percent reduction in the off-street parking requirement in Mature Communities. This change was made in order to promote infill redevelopment in older portions of the city recognizing that many of these older areas have been divided into parcels that are too small or shallow to accommodate the general parking requirements of the Zoning By-law. With regard to the subject application, the amendment results in an overall parking requirement for the development of 7 parking stalls.
- In response to residents' concerns about parking, the applicant is proposing a tandem parking arrangement which results in the provision of 12 parking stalls.

COMMUNITY CONSULTATION

- In October 2016 the applicant went door-to-door to consult with residents living in 31 houses along Monck Avenue and 4 houses along St. Mary's Road.
- The applicant also held an open house on February 17th, 2017 at the Norberry Community Centre. Approximately 5 people attended. The applicant provided a presentation of the project. The applicant has scheduled a second open house on February 22nd, 2017, following the publication of this report.

CONDITIONS OF APPROVAL

- Noting that By-law No. 1810/27 currently restricts the uses on the subject property to single-family dwellings, the Public Service is recommending a condition be included whereby the Conditional Use for the multi-family use only come into force and effect upon approval by Council to amend By-law No. 1810/27 to exclude the subject property.
- The Urban Planning Division is recommending that final plans be submitted to the Director of Planning, Property for review prior to the issuance of a development permit on the lot. The inclusion of this clause will allow the Urban Planning Division to review final plans and design details before development takes place on the site.

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 application is consistent with the Complete Communities Direction Strategy, which supports intensification along Regional Mixed-Use Corridors.
- (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 building provides a high-quality, compact urban form suitable along Regional Mixed-Use Corridors. The proposal also exceeds the parking requirement of the Zoning By-law.

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

In that, the building provides a high-quality, compact urban form suitable along Regional Mixed-Use Corridors.

CONSULTATION

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

SUBMITTED BY

Department: Planning, Property and Development
Division: Urban Planning
Prepared by: Elise Finnigan
Date: Thursday, February 17, 2017
File No. DCU 16-171811\C

96 ST MARY'S ROAD - 6PLEX RENDERING

| | |
|---|-----------------------|
| ZONING and PERMITS BRANCH | |
| THIS PLAN IS SUBMITTED FOR APPROVAL IN CONNECTION WITH <u>DCU 171811 2016C</u> | |
| SHEET # | <u>1</u> OF <u>18</u> |
| APPLICANT (SGD) | <u>AE</u> |
| ZONING OFFICER | <u>KB</u> |
| DATE | <u>12/22/2016</u> |



96 ST MARY'S ROAD - 6PLEX SITE SURVEY - EXISTING

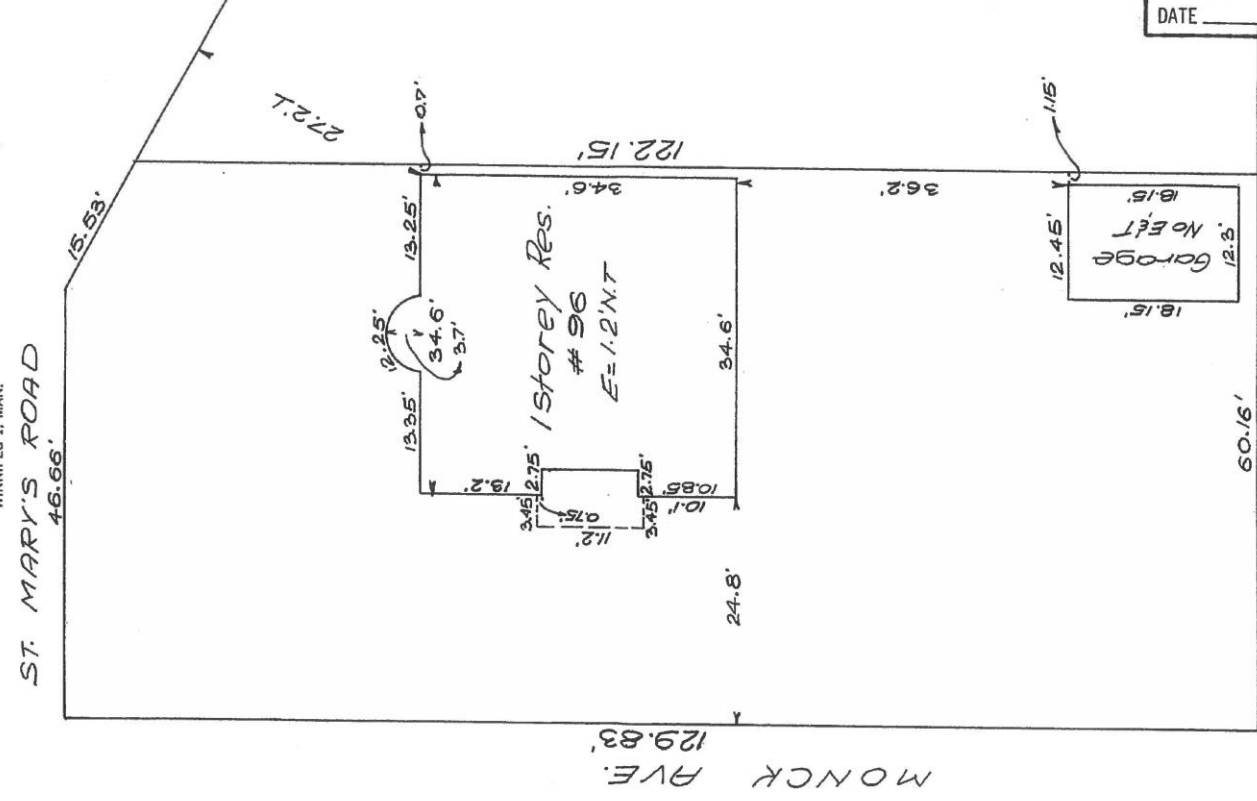
**ZONING and PERMITS
BRANCH**
 THIS PLAN IS SUBMITTED FOR APPROVAL
 IN CONNECTION WITH DU1710/12016
 SHEET # 2 OF 10
 APPLICANT (SGD) [Signature]
 ZONING OFFICER [Signature]
 DATE 12/28/2016

H. WILSON, M.L.S.
 K. H. NEAL, M.L.S.
 A. L. HAYWARD, M.L.S.

WILSON, NEAL & HAYWARD,
 LAND SURVEYORS

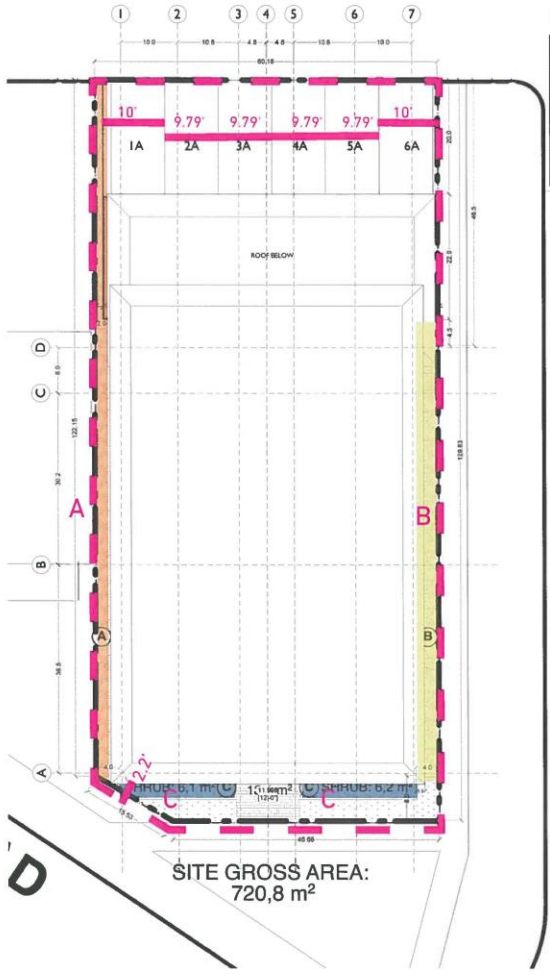
TELEPHONE — AREA CODE 204 — 942-3719
 169 GARRY STREET
 WINNIPEG 1, MAN.

1972 File No. 20



96 ST MARY'S ROAD - 6PLEX LANDSCAPE PLAN

**ZONING and PERMITS
BRANCH**
 THIS PLAN IS SUBMITTED FOR APPROVAL
 IN CONNECTION WITH DCU171011 12016C
 SHEET # 3 OF 10
 APPLICANT (SGD.) AE
 ZONING OFFICER: RTS
 DATE: 12/20/2016



MAINTAIN HEDGE ALONG MONCK AVENUE

| KEY | QTY | COMMON NAME / BOTANICAL NAME | SIZE | REMARKS |
|------------------|-----|--|--------|--|
| DECIDUOUS SHRUBS | | | | |
| A | 28 | CINQUEFOIL / POTENTILLA FRUTICOSA VAR. MANDSHURICA | #3 POT | SPECIMEN, CONTAINER GROWN, WITH MINIMUM STALKS IN WELL BRANCHED PLANT, MIN 450 HT. |
| B | 10 | VAN HOUTTE SPIREA / SPIRAEA VAN HOUTTEI | #3 POT | SPECIMEN, CONTAINER GROWN, WITH MINIMUM STALKS IN WELL BRANCHED PLANT, MIN 450 HT. |
| C | 10 | SAGE / PEROVSKIA ATRIPLICIFOLIA | #3 POT | SPECIMEN, CONTAINER GROWN, WITH MINIMUM STALKS IN WELL BRANCHED PLANT, MIN 450 HT. |

MONCK AVENUE

A

DASIPHORA FRUTICOSA / SHRUBBY CINQUEFOIL - 4' HIGH

B

SPIRAEA xVANHOUTTEI / VAN HOUTTE SPIREA - 6' HIGH

C

PEROVSKIA ATRIPLICIFOLIA / SAGE - 3 TO 5 FEET HIGH

FLOWERS ON PATIO BALCONIES
 Main floor - 2 planters (10 ft by 1 ft)
 2nd floor - 2 planters (10 ft by 1 ft)
 3rd floor - 6 planters (6 ft by 1 ft)

**All planters to be mixed.
 Flowers to be chosen from the following species.**

IPOMOEA TRICOLOR / MORNING GLORY

ARMERIA MARITIMA / THRIFT

LABLAB PURPUREA / PURPLE HYACINTH BEAN

AURINIA SAXATILIS / BASKET-OF-GOLD

PHLOX PANICULATA / PHLOX

96 ST MARY'S ROAD - 6PLEX PROPOSED MAIN AND 2ND FLOOR

**ZONING and PERMITS
BRANCH**

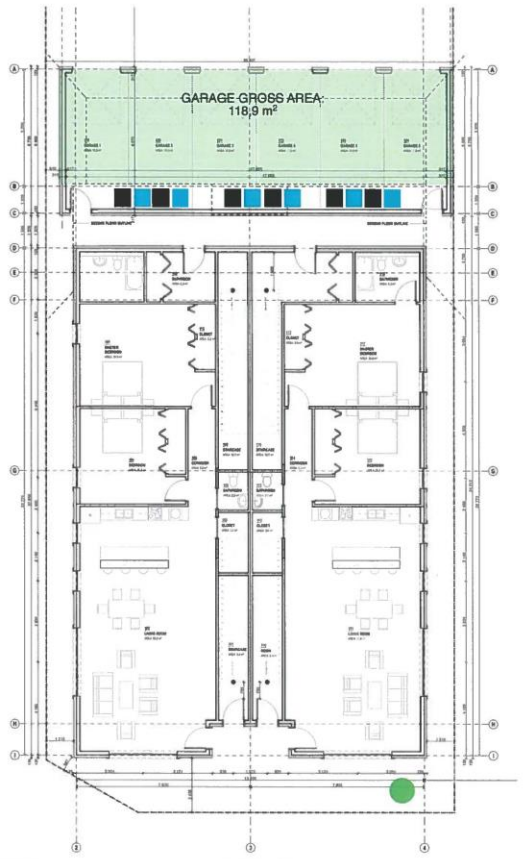
THIS PLAN IS SUBMITTED FOR APPROVAL
IN CONNECTION WITH OCU 17181N/2016C

SHEET # 4 OF 18

APPLICANT (SGD) _____

ZONING OFFICER KYS

DATE 01/26/2017



1 MAIN FLOOR PLAN
A1-1 SCALE 1:100

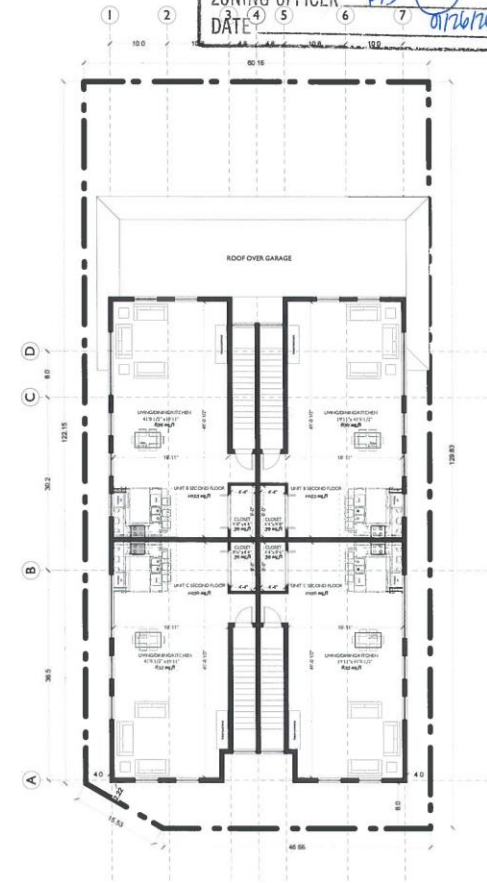
PARKING
1+1 FOR EACH (6) UNITS

- 1A - 10'x20'
- 2A - 9.79'x20'
- 3A - 9.79'x20'
- 4A - 9.79'x20'
- 5A - 9.79'x20'
- 6A - 10'x20'

- 1 - 9.1'x21'
- 2 - 9.1'x21'
- 3 - 9.1'x21'
- 4 - 9.1'x21'
- 5 - 9.1'x21'
- 6 - 9.1'x21'

BIKE RACKS AT THE FRONT FOR 3

- GARBAGE ■
- RECYCLE ■



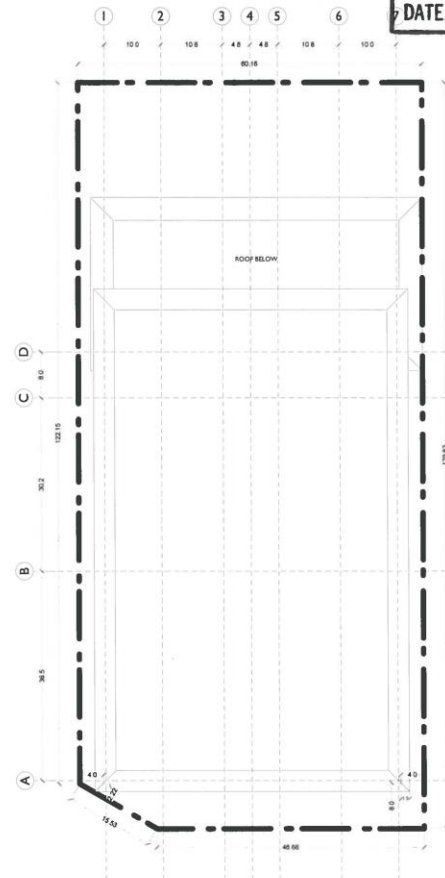
1 SECOND FLOOR PLAN
A1-2 SCALE 1:100

96 ST MARY'S ROAD - 6PLEX PROPOSED 3RD FLOOR AND ROOF

**ZONING and PERMITS
BRANCH**
 THIS PLAN IS SUBMITTED FOR APPROVAL
 IN CONNECTION WITH OU 171011/2016C
 SHEET # 5 OF 18
 APPLICANT (SGD.) [Signature]
 ZONING OFFICER [Signature]
 DATE 12/28/2016



1 THIRD FLOOR PLAN
 A2-1 SCALE 1:100



1 ROOF PLAN
 A2-2 SCALE 1:100

96 ST MARY'S ROAD - 6PLEX FRONT / NORTH ELEVATION

**ZONING and PERMITS
BRANCH**
THIS PLAN IS SUBMITTED FOR APPROVAL
IN CONNECTION WITH CU171811 2016C
SHEET # 6 OF 18
APPLICANT (SGD.) [Signature]
ZONING OFFICER [Signature]
DATE 12/28/2016



WROUGHT IRON FENCE



BLACK METAL



FRENCH LIMESTONE



ASPHALT SHINGLES

96 ST MARY'S ROAD - 6PLEX SIDE / EAST ELEVATION

**ZONING and PERMITS
BRANCH**
 THIS PLAN IS SUBMITTED FOR APPROVAL
 IN CONNECTION WITH DCU1718/11 12016C
 SHEET # 7 OF 18
 APPLICANT (SGD) [Signature]
 ZONING OFFICER [Signature]
 DATE 12/28/2016



WROUGHT IRON FENCE



BLACK METAL



FRENCH LIMESTONE



ASPHALT SHINGLES

96 ST MARY'S ROAD - 6PLEX REAR / SOUTH ELEVATION

**ZONING and PERMITS
BRANCH**
 THIS PLAN IS SUBMITTED FOR APPROVAL
 IN CONNECTION WITH DCU171011 12016
 SHEET # 8 OF 10
 APPLICANT (SGD) [Signature]
 ZONING OFFICER [Signature]
 DATE 12/28/2016



WROUGHT IRON FENCE



BLACK METAL



FRENCH LIMESTONE



ASPHALT SHINGLES

96 ST MARY'S ROAD - 6PLEX SIDE / WEST ELEVATION

**ZONING and PERMITS
BRANCH**
 THIS PLAN IS SUBMITTED FOR APPROVAL
 IN CONNECTION WITH OU 171811/2016C
 SHEET # 9 OF 18
 APPLICANT (SGD): AMS
 ZONING OFFICER: PB
 DATE: 12/28/2016



WROUGHT IRON FENCE



BLACK METAL



FRENCH LIMESTONE



ASPHALT SHINGLES

96 ST MARY'S ROAD - 6PLEX GLAZING STUDIES

**ZONING and PERMITS
BRANCH**
THIS PLAN IS SUBMITTED FOR APPROVAL
IN CONNECTION WITH 2017/1811 2016
SHEET # 10 OF 10
APPLICANT (SGD.) [Signature]
ZONING OFFICER [Signature]
DATE 01/26/2017

17% GLAZING ON NORTH / FRONT ELEVATION



15,66 m

96 ST MARY'S ROAD - 6PLEX GLAZING STUDIES

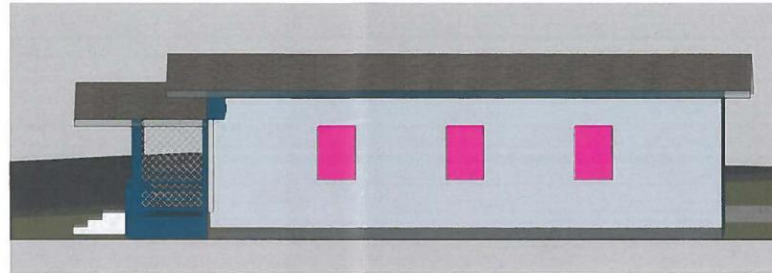
**ZONING and PERMITS
BRANCH**
THIS PLAN IS SUBMITTED FOR APPROVAL
IN CONNECTION WITH CU 171011 12016C
SHEET # 11 OF 13
APPLICANT (SGD.) [Signature]
ZONING OFFICER [Signature]
DATE 07/26/2017

29% GLAZING ON WEST / SIDE ELEVATION



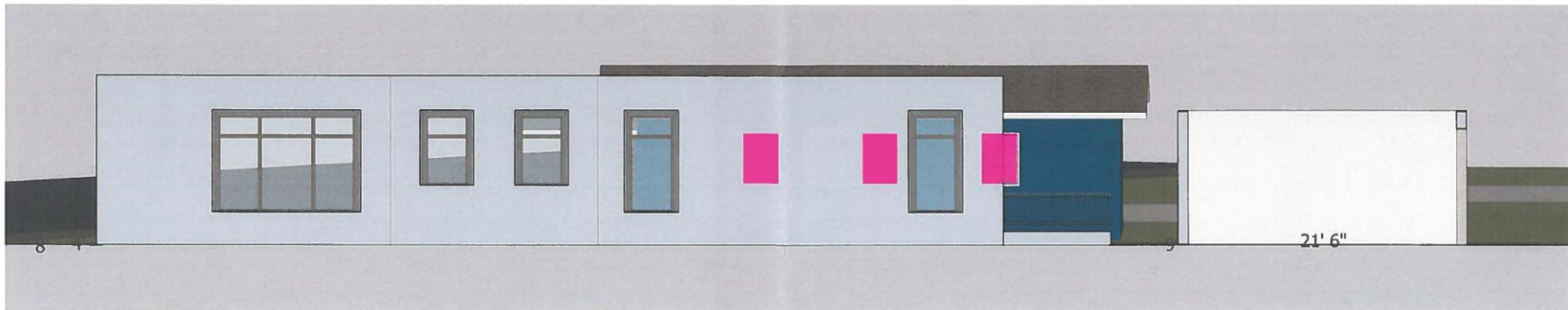
96 ST MARY'S ROAD - 6PLEX WINDOW IMPACT ON NEIGHBOURS_04

NEIGHBOUR'S WINDOWS ON WEST SIDE



| | |
|---|--------------|
| ZONING and PERMITS BRANCH | |
| THIS PLAN IS SUBMITTED FOR APPROVAL IN CONNECTION WITH <u>DU171011 / 2016C</u> | |
| SHEET # <u>12</u> | OF <u>18</u> |
| APPLICANT (SGD.) <u>[Signature]</u> | |
| ZONING OFFICER <u>[Signature]</u> | |
| DATE <u>01/26/2017</u> | |

PROPOSED BUILDING'S WINDOWS IN RELATION WITH THE NEIGHBOURS'



 WINDOW LOCATIONS
OF NEIGHBOUR'S BUILDING

96 ST MARY'S ROAD - 6PLEX PARKING ANALYSIS

**ZONING and PERMITS
BRANCH**

THIS PLAN IS SUBMITTED FOR APPROVAL
IN CONNECTION WITH D4711611 17016

SHEET # 13 OF 18

APPLICANT (SGD) _____

ZONING OFFICER RB

DATE 01/26/2017



- BUS STOP
- NO STOPPING
- NO PARKING
- NO STOPPING
BETWEEN 15:30-18:00
- 1 HOUR PARKING
BETWEEN 9:00-15:30
- FREE PARKING

96 ST MARY'S ROAD - 6PLEX BUILDING ALIGNMENT PER BLOCK ON ST MARY'S



**ZONING and PERMITS
BRANCH**

THIS PLAN IS SUBMITTED FOR APPROVAL
IN CONNECTION WITH DCU 171811 12016C

SHEET # 14 OF 18

APPLICANT (SGD.) [Signature]

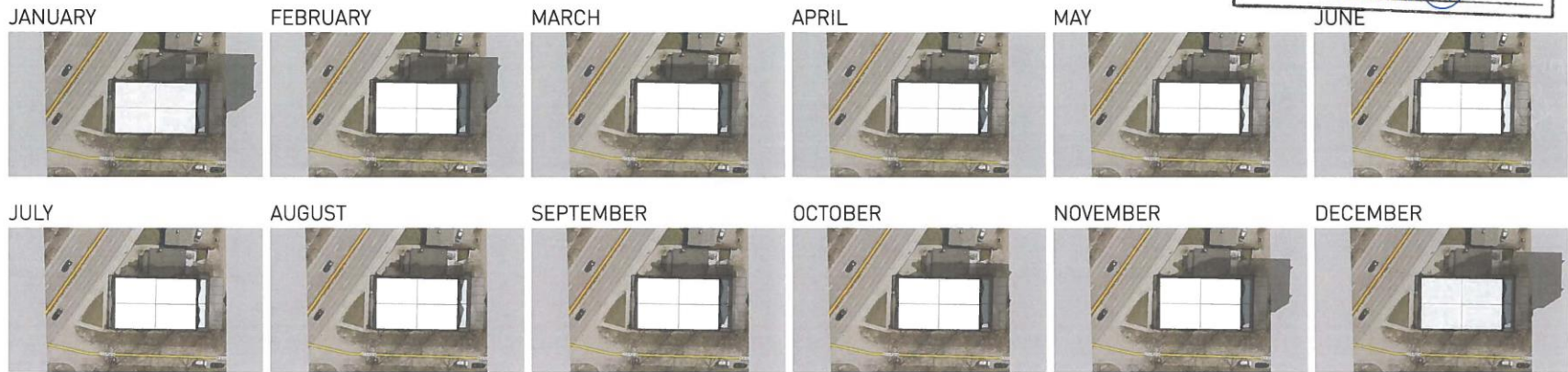
ZONING OFFICER KB

DATE 01/26/2017

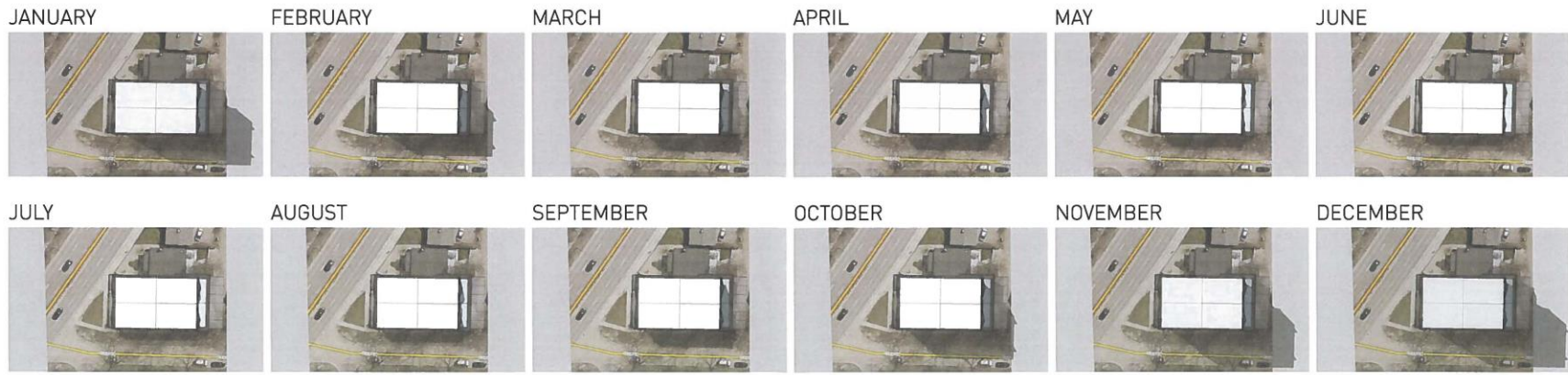
96 ST MARY'S ROAD - 6PLEX SHADING ANALYSIS

| | |
|---|--------------------|
| ZONING and PERMITS BRANCH | |
| THIS PLAN IS SUBMITTED FOR APPROVAL IN CONNECTION WITH DCU 171811, 2016C | |
| SHEET # <u>15</u> | OF <u>18</u> |
| APPLICANT (SGD): | <u>[Signature]</u> |
| ZONING OFFICER: <u>KB</u> | <u>[Signature]</u> |
| DATE: <u>01/26/2017</u> | |

MORNING AT 10 A.M.



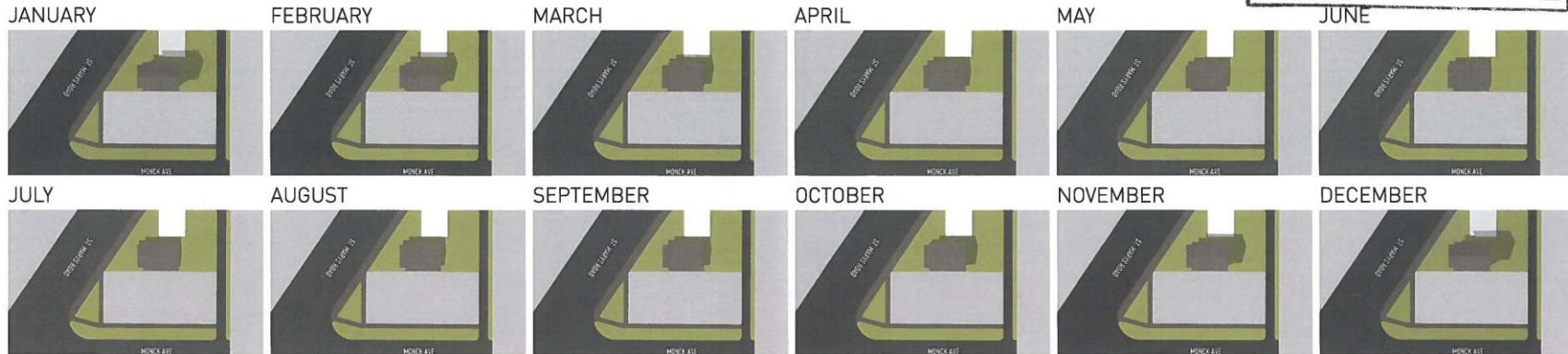
AFTERNOON AT 3 P.M.



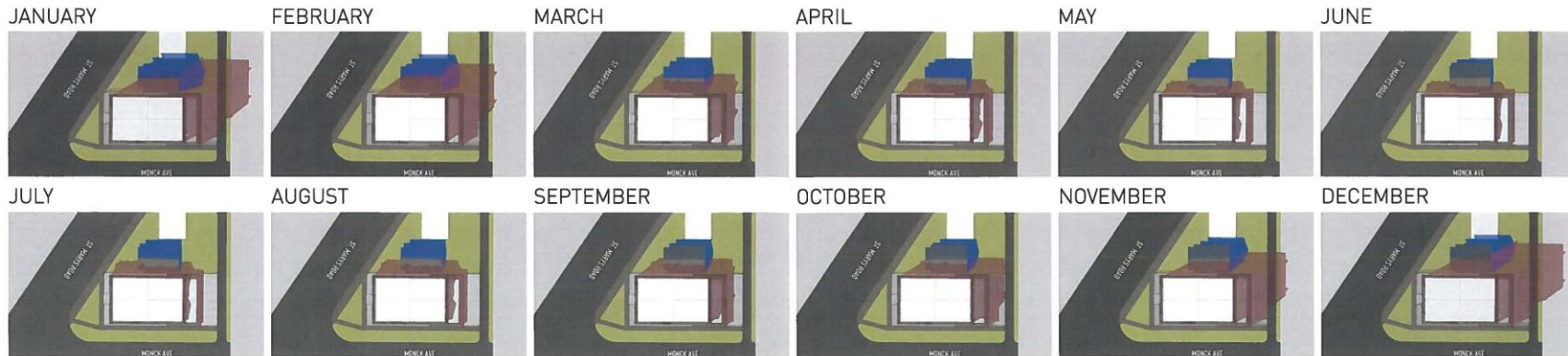
96 ST MARY'S ROAD - 6PLEX BUILDING ALIGNMENT

| | |
|---|--------------|
| ZONING and PERMITS BRANCH | |
| THIS PLAN IS SUBMITTED FOR APPROVAL IN CONNECTION WITH <u>DLU 171811 / 2016C</u> | |
| SHEET # <u>16</u> | OF <u>18</u> |
| APPLICANT (SDB): <u>[Signature]</u> | |
| ZONING OFFICER: <u>[Signature]</u> | |
| DATE: <u>01/26/2017</u> | |

SHADOW CAST FROM 102 ONTO 106 ST MARY'S ROAD IN THE MORNINGS AT 10 A.M.



SHADOW CAST FROM 96 ONTO 102 AND FROM 102 ONTO 106 IN THE MORNINGS AT 10 A.M.



96 ST MARY'S ROAD - 6PLEX SNOW STORAGE / SNOW REMOVAL

THERE WILL BE NO SNOW STORAGE ON THE SITE.

A PRIVATE COMPANY WILL BE HIRED TO PICK UP AND REMOVE THE SNOW.

SNOW REMOVAL WILL BE DONE IN DISCUSSION WITH THE NEIGHBOURS FOR A 7 A.M. CLEARING.

| | |
|---|----------------|
| ZONING and PERMITS BRANCH | |
| THIS PLAN IS SUBMITTED FOR APPROVAL IN CONNECTION WITH DCU 171811 12016C | |
| SHEET # | 17 OF 18 |
| APPLICANT (SGD.) | |
| ZONING OFFICER | VB [Signature] |
| DATE | 01/26/2017 |

96 ST MARY'S ROAD - 6PLEX BUILDING RELATIONSHIP

ZONING and PERMITS
BRANCH
THIS PLAN IS SUBMITTED FOR APPROVAL
IN CONNECTION WITH 00171011 120160
SHEET # 10 OF 10
APPLICANT (SGD.) _____
ZONING OFFICER KB
DATE 01/26/2017

MONCK AVENUE EAST - PRESENT VIEW



MONCK AVENUE EAST - PROPOSED VIEW



Exhibit “ 2 ” referred to in File DCU 171811A/2016C

March 21, 2017

To:

City Clerk, City of Winnipeg
c/o Appeal Committee
Administration Building
Main Floor, 510 Main Street
Winnipeg, Manitoba, R3B 1B9

From:

Darla McFarlane, Amanda Martinson and family

**Reference: Variance Order No. DAV 171889/2016C , Conditional Use Order No. DCU
171811/2016C**

Dear Committee Members:

We are writing to appeal Variance Order No. DAV 171889/2016C and Conditional Use Order
No. DCU 171811/2016C for the premise 96 St. Mary’s Road.

Introduction

We live at _____ with our 5 children ranging in age from 4 years old to 12 years old and have
lived at this address since July 2014. Our property is next door to the proposed development at
96 St. Mary’s Road.

As we understand, a Variance Order was granted because the Board of Adjustment shared the opinion that (b) the Variance “does not create a substantial adverse effect on the amenities, use, safety and convenience of the adjoining property.”

At the hearing on March 1, 2017, I, Darla McFarlane, demonstrated the extent to which the variance did indeed create a “substantial adverse effect” and believe that the Board ignored these statements when ruling in favour of the proposed development project.

Front Yard

If a variance is granted to vary the existing Zoning By-law No. 200/2006 to permit a front yard of 2 feet instead of 19 feet, the adverse affect will be:

- the loss of our view into the northeast side of Coronation Park from my porch, which significantly impacts our family’s enjoyment of our front yard. Rather than seeing the park across the street when we look left, we will see a large wall.
- The loss of sunlight into our front yard, which will likely kill most of the landscaping foliage previously planted in this space.
- The loss of sunlight into our house through the front and side windows.

We understand that we cannot reduce the size of the development at the rear of the property given the existing R2 zoning allowances. However, we ask that you reject this variance and keep the front yard at 19 feet to ensure the amount of light we receive into our yard and house is not

significantly reduced at the front of our home given our young children children require this sunlight for their healthy growth and development.

In their report the Board of Adjustors claim, the supporting comments read: “The project could be larger and they have paired (sic) it back and I am not sure pairing (sic) it back to four units is going to make the visual of it any different.” This statement is completely false. We would rightfully argue that the number of units does not matter. However, permitting this building to extend 17 feet beyond what is typically approved will indeed make our “visual” very different.

Please note, we have no confidence in the shadow study provided by the architect. If you look at this study, you will notice that the shadows are on the wrong side of the building. This study should be rendered meaningless and insufficient.

Garage and Parking Lot

Numerous adverse effects will be suffered by our family should the following two variances be allowed:

If a variance is granted to vary the existing Zoning By-law No. 200/2006 to permit the construction of an attached garage with, A) no west side corner side yard instead of 2 feet, B) Six indoor parking spaces having no direct access to a drive-way due to tandem parking, and C) indoor parking stalls adjacent to a wall with a width of 9 feet instead of 10 feet.

If a variance is permitted for the establishment of an accessory outdoor parking area to permit:

A) parking stall lengths of 20 feet instead of 23 feet accessed directly from an adjacent lane. B)

No guest parking spaces instead of 1 guest parking spaces; C) insufficient buffering of the parking area along the east side yard, located within 20 feet of a side lot line abutting or adjacent to a residential zoning district.

In granting the above variances, the City of Winnipeg will be permitting the construction of a garage and parking space far too small and ill-designed for 12 vehicles and putting the safety of our children at risk.

- We fear one of our children will be struck by a vehicle reversing from this parking lot while walking to or from our family home.
- Our children will no longer have a safe walkway to reach their school, the community centre, the pool or their friends and family's houses in our neighbourhood.
- In order to walk anywhere in our community, our children (ages 4 through 12) will need to walk through a space where 12 cars will be coming and going (in reverse) at all times of the day.

Rather than granting a variance to permit more cars to share this small space, the City of Winnipeg should ensure the size of the parking lot and placement is sufficient and safe. Simply stated, children under the age of 12, should not be forced to walk through a busy parking lot to reach their school. Most neighbours keep, at most, two cars in the rear parking pad and this variance allows 12. This is simply too many especially without a properly contained parking area

with a driveway to minimize danger to pedestrians and cyclists. The size and placement of this parking lot poses a danger to my children and many others who come and go from our home.

Closing Remarks

We were very disappointed that the Board of Adjustors did not give due consideration to these concerns and, once again, kindly ask that you recognize the extent to which this development will negatively impact our family:

- Our property values will likely fall and we will lose equity in our home.
- Our family will lose the pleasure and enjoyment of using our yard for eight months while the building is under construction 4 feet away.
- We lose our sightline of the park and significant sunlight into our home as a result of the building's size and front extension.
- Most importantly, we are concerned for our children's safety and security due to the high traffic and congestion created in the back lane where they must walk each day.

In closing, we would like to add that we drove around Norwood Flats tonight and noticed that there is not a single apartment or condo unit in this community located a mere four feet from a family home, so we would argue this development is not "compatible" with others like it in our community. If it were compatible, the developer would take measures to ensure there the building is an adequate size for the space, small enough to leave room for attractive green space surrounding the building.

Please consider the “adverse effects” this will have on our family and do not grant variances or conditions above and beyond what is currently allowed. We understand the importance of development for the City of Winnipeg, but urge you to not place a businessman’s profits ahead of our children’s well-being and safety.

Kindly,

Darla McFarlane and Amanda Martinson

The image shows two handwritten signatures in black ink. The first signature is a cursive 'DMF' followed by a horizontal line. The second signature is a more elaborate cursive signature, likely 'A Martinson', with a long horizontal line extending to the right.



**THE CITY OF WINNIPEG
CONDITIONAL USE ORDER
BOARD OF ADJUSTMENT**

DCU 171811/2016C [c/r DAV 171889/2016C]

Before: Board of Adjustment
Ken Desrochers, Chairperson
Bill Evans
Bill Sawka

Hearing: March 1, 2017
Council Building, 510 Main Street

Applicant: Nikhil Manikonda, Mistecture Architecture & Interiors Inc

Premises Affected: 96 St. Mary’s Road

Legal Description: LOT 26 PLAN 28956 93/98 ST B, hereinafter called “the land”

Property Zoned: “R2” – Residential Two-Family District

Nature of Application: For a Conditional Use under the Winnipeg Zoning By-Law No. 200/2006 to permit the establishment of a multi-family dwelling use.

It is the opinion of the Board of Adjustment that subject to conditions listed below, if any, this Conditional Use meets the statutory criteria as outlined in Section 254 and Subsection 247(3) of The City of Winnipeg Charter in that it:

- (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; and

- (d) is is not compatible with the area in which the property to be affected is situated.

Supporting Comments:

1. The Board of Adjustment agree with the administrative comments contained in the report of the Urban Planning Division dated February 17, 2017.
2. We have been doing these types of developments for years and 6 units are generally put on main streets and corner lots and the whole project conforms to the City.
3. The project could be larger and they have paired it back and I am not sure pairing it back to 4 units is going to make the visual of it any different. Whether you are digging a foundation for 4 units or 6 units the neighbour is still going to see the construction happening.

ORDER:

The Board of Adjustment orders that a Conditional Use under the Winnipeg Zoning By-Law No. 200/2006 to permit the establishment of a multi-family dwelling use is approved on “the land”, subject to the following condition(s), which the Board of Adjustment considers necessary to ensure compliance with criteria (a), (b) and (d) above, namely:

1. That, the Order shall come into force and effect upon the approval by Council to amend By-law No. 1810/27 to exclude the subject property.
2. That final plans, showing the location and details of buildings, landscaping, parking, walkways, signage, lighting and garbage, shall be submitted to the Director of Planning, Property and Development for approval prior to the issuance of any development or building permits; and thereafter shall be maintained to the satisfaction of the Director of Planning, Property and Development.

THIS ORDER IS SUBJECT TO ALL BUILDING, HEALTH OR OTHER REGULATIONS PERTAINING TO THE LAND HEREIN REFERRED TO.

DATE OF ORDER: March 3, 2017

CERTIFIED BY:



D. Watt
Acting Secretary to the Board

HOW TO APPEAL

You may appeal against either the whole of this order or part(s) of it by filing a letter of appeal.

That letter must be submitted in writing, be signed by the appellant, show the printed name of the appellant, contain the mailing address of the appellant, contain the contact telephone number of the appellant, and

- (a) be addressed as set out below,
- (b) be received at that office not later than 4:30 p.m. on March 22, 2017,
[IF RECEIVED LATE YOUR APPEAL CANNOT BE HEARD.]
- (c) refer to Conditional Use Order No. DCU 171811/2016C, give brief reasons for the appeal and must describe whether you appeal the whole order or only part(s) of it.

Any appeal letters not containing all of the above elements will be rejected by the City Clerk as invalid appeals and will not be heard at an appeal hearing.

You can attend the appeal hearing and speak on issues raised in someone else's appeal, but the appeal committee can only rule on issues raised in appeals filed. If you are not sure what others have appealed you should file your own appeal.

Address: City Clerk, City of Winnipeg
c/o Appeal Committee
Administration Building
Main Floor, 510 Main Street
Winnipeg, Manitoba, R3B 1B9
Fax: 204-947-3452
Email: CLK-Appeals@winnipeg.ca

THE FOLLOWING PERSONS MADE REPRESENTATIONS AND ARE ENTITLED TO APPEAL:

In Support:

Renni Bisson
Dan Damphousse
Nikhil Manikonda
Hijab Mitra
Gilbert Robin
Ian Walker

In Opposition:

Andrew Bendor-Samuel
Denise Bendor-Samuel
Jaclyn Culley
Peter Culley
Catherine Glass
Rob Kennedy
Neil Loughran
Josette Lukowycz
Al MacPherson
Darla McFarlane

For Information:

Nil

For the City:

E. Finnigan, Planner, Planning, Property and Development Department
D. Harris, Planner, Planning, Property and Development Department