# **PUBLIC HEARINGS**

# Item No. 3 Variance – 475 St Anne's Road (St. Vital Ward) File DAV 189219/2020D [c/r DASZ 15/2020 & DEMO 189209/2020D]

#### WINNIPEG PUBLIC SERVICE RECOMMENDATION:

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

- 1. For the construction of multi-family dwelling to permit the following:
  - A. A front yard balcony projection of 6 feet (1.83 metres) instead of a maximum 4.8 feet (1.46 metres);
  - B. A front yard eave projection of 6 feet (1.83 metres) instead of a maximum 5 feet (1.52 metres);
- 2. For the establishment of an accessory parking area to permit the following:
  - A. No south side yard instead of 5 feet (1.52 metres);
  - B. No east side yard instead of 5 feet (1.52 metres);
  - C. Parking space width of 8.9 feet (2.71 metres) instead of 10 feet (3.05 metres) for parking spaces adjacent to a fence or wall.

File:	DAV 189219/2020		
Applicant:	Richa	rd + Wi	ntrup & Associates (Matthew Robinson)
Premises Affected:			Anne's Road, 204 Hindley Avenue, 199 Worthington 205 Worthington Avenue
Legal Description:	SP LC ST VI	OT 34, F TAL; L	N 67098 WLTO; SP LOT 22, PLAN 22455 WLTO; PLAN 22455 WLTO IN RL 43 AND 44 PARISH OF OT 1, PLAN 52042 WLTO IN RL 44 PARISH OF ereinafter called "the land"
Property Zoned:	"RMI	J" Resid	lential Mixed Use
Nature of Application:		•	roposed "RMU" District Dimensional Standards of Zoning By-Law No. 200/2006 to permit as follows:
	1.	For the follow	e construction of multi-family dwelling to permit the ving:
		A.	A front yard balcony projection of 6 feet (1.83 metres) instead of a maximum 4.8 feet (1.46 metres);
		В.	A front yard eave projection of 6 feet (1.83 metres) instead of a maximum 5 feet (1.52 metres);
	2.		e establishment of an accessory parking area to the following:
		A.	No south side yard instead of 5 feet (1.52 metres);
		B.	No east side yard instead of 5 feet (1.52 metres);
		C.	Parking space width of 8.9 feet (2.71 metres) instead of 10 feet (3.05 metres) for parking spaces adjacent to a fence or wall.

Exhibits Filed:

1.	Application dated December 9, 2020
1.	ripplication aatea December 9, 2020

- 2. Notification of Public Hearing dated December 10, 2020
- 3. Manitoba Status of Titles 3023249/1, 3067837/1, 1331985/1, 3076701/1
- 4. Letter of authorization dated May 11, 2020 from Hiten & Dikshita Mistry to Michelle Richard
- 5. Letter of authorization dated May 12, 2020 from 475 St. Anne's Development Corp (Ryan Ridge) to Michelle Richard
- 6. Letter of authorization dated May 12, 2020 from Claudia Amy Dupras to Michelle Richard
- 7. Letter of authorization dated June 1, 2020 from Tom Johnston and Connie Johnston to Michelle Richard
- 8. Letter of authorization dated September 13, 2020 from Michelle Richard to Richard + Wintrup (Matthew Robinson)
- 9. Letter of authorization dated September 14, 2020 from 475 St. Anne's Development Corp to Richard + Wintrup (Matthew Robinson)
- 10. Surveyor's Building Location Certificate and sketch dated September 27, 2019
- 11. Surveyor's Building Location Certificate and sketch dated April 16, 2020
- 12. Surveyor's Building Location Certificate and sketch dated April 16, 2020
- 13. Confirmation from the Zoning and Permits Administrator that the subject property may be posted in substitution for newspaper advertising
- 14. Caveat 5201453/1
- 15. The City of Winnipeg By-law No. 5/2020
- 16. Drawing of subject property
- 17. Plans, Sheets 1 and 5 to 12, for File DAV 189219/2020 dated September 14, 2020
- Report from the Urban Planning Division dated December 10, 2020
- 19. Inspection Report

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

#### **REPRESENTATIONS:**

In Support:

In Opposition:

For Information:

For the City:

Moved by Councillor				
	That the report of the	Winnipeg Public	Service be taken	n as read.

Moved by Councillor

That the receipt of public representations be concluded.

#### Moved by Councillor

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 is not compatible with the area in which the property to be affected is situated.

Supporting Comments:

Moved by Councillor

That the recommendation of the Winnipeg Public Service be concurred in / not be concurred in and the Variance be approved / rejected.

Moved by Councillor

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

Exhibit "17" referred to in File DAV 189219/2020D

# **ADMINISTRATIVE REPORT**

**Title:** DAV 20-189219\D – 475 St Anne's RD

- **Issue:** For consideration at the public hearing for variances associated with the construction of a mixed use development.
- **Critical Path:** Riel Committee as per the Development Procedures By-law and The City of Winnipeg Charter.

#### AUTHORIZATION

Author	Department Head	CFO	CAO
Elise Finnigan	n/a	n/a	

#### RECOMMENDATIONS

The Urban Planning Division recommends **rejection** of the application to vary the Proposed "RMU" dimensional standards of Zoning By-Law No. 200/2006 to permit as follows:

1) for the construction of multi-family dwelling to permit the following:

a) a front yard balcony projection of 6 feet (1.83 metres) instead of a maximum 4.8 feet (1.46 metres);

b) a front yard eave projection of 6 feet (1.83 metres) instead of a maximum 5 feet (1.52 metres);

2) for the establishment of an accessory parking area to permit the following:

- a) no south side yard instead of 5 feet (1.52 metres);
- b) no east side yard instead of 5 feet (1.52 metres);

c) parking space width of 8.9 feet (2.71 metres) instead of 10 feet (3.05 metres) for parking spaces adjacent to a fence or wall.

#### **REASON FOR THE REPORT**

- Variance applications require a public hearing as per *The Development Procedures By-law* No. 104/2020 and *The City of Winnipeg Charter*, section 249.
- The report is being submitted for the Riel Committee'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 <u>not</u> be granted the requested variances.

#### FILE/APPLICANT DETAILS

FILE: RELATED FILES: COMMUNITY: NEIGHBOURHOOD #:	DAV 20-189219\D DASZ 15/2020, DEMO 20- 189209, DAC 2/2020 Riel Committee 5.510 – Lavalee Neighbourhood
SUBJECT:	<ul> <li>To vary the Proposed "RMU" dimensional standards of Zoning By-Law No. 200/2006 to permit as follows:</li> <li>1) for the construction of multi-family dwelling to permit the following: <ul> <li>a) a front yard balcony projection of 6 feet (1.83 metres) instead of a maximum 4.8 feet (1.46 metres);</li> <li>b) a front yard eave projection of 6 feet (1.83 metres) instead of a maximum 5 feet (1.52 metres);</li> <li>2) for the establishment of an accessory parking area to permit the following:</li> <li>a) no south side yard instead of 5 feet (1.52 metres);</li> <li>b) no east side yard instead of 5 feet (1.52 metres);</li> <li>c) parking space width of 8.9 feet (2.71 metres) instead of 10 feet (3.05 metres) for parking spaces adjacent to a fence or wall.</li> </ul> </li> </ul>
LOCATION: LEGAL DESCRIPTION:	475 St Anne's RD LOT 27 PLAN 22455 43/44 ST V
APPLICANT:	Matthew Robinson (Richard + Wintrup Planning and Development) 139 Roslyn Rd Unit 301 Winnipeg, MB R3L 0G7
OWNER:	475 ST. ANNE'S DEVELOPMENT CORPORATION 640 Paul Blvd Winnipeg, MB R2N 4C8

# HISTORY

DASZ 23/2019

 On October 24, 2019 Council approved the consolidation of five existing lots and rezoning from C1 (Commercial Neighbourhood), C2 (Commercial Community) and R1-M (Residential Single-Family Medium) to RMU (Residential Mixed Use) for the purposes of constructing a 6-storey mixed use building. A zoning agreement was included as a condition of approval for the subdivision and rezoning including the following conditions:

- i. For those portions of the Owner's Land zoned "RMU" Residential Mixed Use District, the Owner must submit plans showing the location and design of any and all proposed:
  - (a) buildings;
  - (b) accessory parking areas;
  - (c) private approaches;
  - (d) garbage enclosures;
  - (e) fencing;
  - (f) landscaping; and
  - (g) free-standing signage

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

- ii. That, excluding projections permitted under the Zoning By-Law, the maximum building height on the subject property must not exceed six storeys and 67 feet.
- iii. That, any buildings must not extend into a 45 degree angular plane measured from a point 6 feet above grade at the western property line of 204 Hindley Avenue extending over the subject property.
- iv. That no private vehicular approaches shall be permitted on St. Anne's Road.

#### DAV 19-103079D

On September 9, 2019, the Riel Community Committee concurred in the recommendation of the Public Service and approved the following variances:

- 1) For the construction of a multi-family dwelling to permit:
  - b) a front yard of 11.6 feet (3.53 metres) instead of 20 feet (6.10 metres);
  - c) a north side yard of 9 feet (2.74 metres) instead of 15 feet (4.57 metres);
- 2) For the establishment of an accessory parking area to permit:

b) insufficient buffering to a parking area that is located within 20 feet (6.10 metres) of a side and rear lot line abutting or adjacent to a residential zoning district.

The Riel Community Committee concurred in the recommendation of the Public Service and rejected the following variances:

1) For the construction of a multi-family dwelling to permit:

a) a lot area per dwelling unit of 330 square feet (30.65 square metres) instead of 500 square feet (46.45 square metres).

d) a rear yard of 7.3 feet (2.22 metres) instead of 25 feet (7.62 metres).

2) For the establishment of an accessory parking area to permit:

a) 94 parking spaces instead of 135 spaces.

#### Appeal - DAV 19-103079D

Variance Order DAV *19-103079D* was appealed. On December 11, 2019 the Appeal Committee concurred in the decision of the Riel Community Committee.

#### 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 lands are located on the east side of St. Anne's Road between Hindley Avenue and Worthington Avenue in the Lavalee neighbourhood of the St Vital ward.
- The subject lands comprise a portion of the public lane as identified under DAC 2/2020 and four (4) separate lots including:
  - 475 St. Anne's Road which was recently consolidated and rezoned to Residential Mixed Use "RMU" per DASZ 23/2019 and is approximately 35,988 square feet in area;
  - 204 Hindley Avenue zoned Residential Single-Family Medium "R1-M" and is approximately 11,143 square feet in area;
  - Portions of 199 Worthington Avenue and 205 Worthington Avenue both zoned Residential Single-Family Medium "R1-M".
- 475 St. Anne's Road is currently occupied by four vacant single family dwellings. 204 Hindley is occupied by a single family dwelling.

- 475 St. Anne's Road is located along a Regional Mixed Use Corridor (St. Anne's Road) under *the Complete Communities Direction Strategy*.
- 204 Hindley Avenue is located within the Areas of Stability Recent Communities Policy Area under the Complete Communities Direction Strategy.



Figure 1: Aerial Photo of Subject Lands and Surrounding Uses (flown 2018)

# SURROUNDING LAND USE AND ZONING (See Figure 2)

**North:** Restaurant (i.e., Dairy Delight) split zoned 'C1' (Commercial Neighbourhood) and 'R1-M' (Residential Single Family Medium); then Hindley Avenue.

South: Commercial uses zoned 'C2' (Commercial Community); then Worthington Avenue.

East: Public lane; then single-family homes zoned 'R1-M' (Residential Single Family Medium).

**West:** St. Anne's Road; then commercial uses zoned 'C1' (Commercial Neighbourhood) and 'C2' (Commercial Community).



Figure 2: Zoning of the subject lands and surrounding area.

# DESCRIPTION OF THE PROPOSED DEVELOPMENT

- Per DASZ 15/2020, the applicant is proposing to consolidate a portion of the public lane as identified under DAC 2/2020 (see associated Lane Closing application DAC 2/2020), a portion of 204 Hindley Avenue, and 475 St. Anne's Rd and rezone from R1-M (Residential Single-Family Medium) to RMU (Residential Mixed Use) as well as open a new public lane adjacent to 206 Hindley Avenue for the purposes of constructing a 6-storey mixed use building. The building will encompass 93 residential units and five small scale commercial units (unit sizes vary from approximately 1,261 square feet to 1,756 square feet) on the ground floor. The consolidated lot will be approximately 46,542 square feet in area.
- The applicant is also proposing to amend Schedule C, Urban Infill Area (UIA) Map 2 of the Winnipeg Zoning By-law No. 200/2006 to allow the inclusion of the subject site. In the UIA Map 2 the number of off-street parking spaces is reduced to 80 percent of the minimum number shown in Table 5-9 of the Zoning By-law No. 200/2006. Inclusion of the subject proposal in the UIA Map 2 would result in a parking requirement of 93 parking stalls instead of 116 stalls.
- A total of 123 parking stalls will be provided. Forty-seven (47) parking stalls will be located at-grade under the building, fifty-three (53) parking stalls will be located below grade under the building, and twenty-three (23) parking stalls will be located at-grade directly off the lane. In the underground parking area the applicant has also identified a location for "Scooter Parking".
- As part of the 123 parking stalls, there will be 23 visitor parking stalls, 4 accessible parking stalls, 2 van accessible parking stalls, and 1 small car parking stalls.
- Vehicular access to the property is proposed by way of the public lanes.
- Landscaping will be provided along the entire street frontage except where the pedestrian access points are located.

- Fifty-two (52) bicycle parking stalls will be provided. Ten (10) bicycle parking stalls will be located near the entrances to the commercial units and a secure bicycle storage room accommodating 42 bicycle parking stalls will be provided in the at-grade parking area.
- A four (4) sided garbage enclosure will be located at the southeast corner of the site abutting the east/west public lane.
- There is an associated Demo Permit application (see DEMO 20-189209/D), as the applicant is seeking permission to demolish the existing residential dwellings located at 469, 471, and 473 St. Anne's Road as well as the single family dwelling at 204 Hindley Avenue without building permits.

# COLLABORATION

#### With the Public Service

- In June 2020 the Public Service provided initial communication to the applicant regarding concerns with the subject proposal. Specifically, the Public Service indicated it did not support the proposal to zone the property into the Urban Infill Area (UIA) Map 2 and recommended the applicant contact the owners of 467 St. Anne's Road regarding the proposed lane closure.
- On October 23<sup>rd</sup>, 2020 the Public Service informed the applicant that it would not be recommending support of the subject proposal. Specifically, the Public Service indicated that it did not support the proposal to close the lane as 467 St. Anne's Road requires lane access for their parking area to be compliant with the City of Winnipeg Zoning By-law 200/2006 as well as for the parking area to function. The applicant was also informed that the Public Service did not support the proposal to zone the property into the Urban Infill Area Map 2 (UIA) for the reasons outlined in the report for DASZ 15/2020.
- The Public Service indicated to the applicant that if the subject proposal were to move forward **without** the proposed amendment to the Urban Infill Area Map 2 and maintained lane access for 467 St. Anne's Road, the Public Service would be open to likely supporting the proposal.
- The applicant decided to proceed with the applications, with full knowledge of the position of the Public Service.

#### With the Public

- The applicant indicates in the Letter of Intent that the land owners of 204 Hindley Avenue, 199 Worthington Avenue, and 205 Worthington Avenue were approached regarding the subject proposal and all agreed to sell all or a portion of their lands.
- The Public Service recommended the applicant consult with the owners of 467 St. Anne's Road and 206 Hindley Avenue. The applicant's Letter of Intent does not indicate whether any consultation took place with these property owners.

# ANALYSIS AND ISSUES

#### OURWINNIPEG

*OurWinnipeg,* the city's long-range development plan, under Direction 2, Section 01-1a OurWinnipeg's Approach to City Building states:

• Develop and maintain an urban structure planning tool.

That Direction sets out the following Enabling Strategy:

• Base OurWinnipeg on an urban structure that provides a vision for the growth and development of the city.

# COMPLETE COMMUNITIES DIRECTION STRATEGY

- The Complete Communities Direction Strategy is one of four direction strategies supporting *OurWinnipeg* and has statutory authority as a secondary plan. The strategy guides land use and development in Winnipeg.
- The subject plan area is located along a Regional Mixed-Use Corridor (St. Anne's Road) and within the Areas of Stability Recent Communities Policy Area in the *Complete Communities*' Urban Structure map.
- With regard to this proposal, the key policies guiding development along Centres and Corridors include:
  - Mitigate the potential impacts of new development on neighbouring streets, parks and properties.
  - Promote high-quality plazas, parks and streetscapes as focal points and networks that are connected to the greater community.
  - 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.
  - 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 active uses (such as retail and services) at street level and office and housing on the upper levels of multi-storey developments.
  - Promote innovative parking strategies and high intensity developments, including locating parking lots to the rear of developments, encouraging the development of underground parking or parking structures and encouraging the preservation and/or planting of trees and other types of vegetation within and around surface parking lots.
    - Encourage urban design and/or form-based strategies that help define the character of Centres and Corridors through clarifying the massing and height of buildings, setbacks, appropriate open space areas and appropriate parking design and locations.
- With regard to this proposal, the key policies guiding the development of 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.

- Promote the form of buildings and spaces that are sensitive to the community context and that address the transition between new and existing development.
- Urban Design is also identified in the Complete Communities Direction Strategy. Key relevant policies include:
  - Consider the comfort, convenience, safety and visual interest of streetscapes, recognizing that streets are places where people gather.
  - Encourage new buildings that fit compatibly into the surrounding context, improving the quality of the public realm.

#### CITY OF WINNIPEG ZONING BY-LAW 200/2006

#### Reason for the Variances

- In all yards, balconies are only permitted to project to a maximum depth of 4 inches per foot of yard, (in this case 4.8 feet). The applicant is proposing a balcony projection of 6 feet in the front yard. As such, a variance is required.
- Eaves are only permitted to project to a maximum depth of 5 feet in the front yard. The applicant is proposing an eave projection of 5 feet in the front yard. As such, a variance is required.
- The minimum interior side yard setback for parking areas in the RMU zone is 5 feet. The applicant is proposing no setback for the parking stalls located directly off the north/south public lane. As such, variances are required.
- Parking spaces adjacent to a fence or wall require a minimum width of 10 feet. The applicant is proposing parking spaces next to a wall that are 8.9 feet wide. As such, a variance is required.

#### VARIANCES

In light of the fact that the Public Service is recommending that the associated lane closing (DAC 2/2020) as well as the associated subdivision and rezoning application (DASZ 15/2020) be rejected, and given that the requested variances are specific to a development proposal that is dependent on the proposed lane closing and subdivision and rezoning applications, the Division is recommending that the variances be rejected as well.

#### **REASONS FOR RECOMMENDATIONS**

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

(a) is **not** consistent with Plan Winnipeg and any applicable secondary plan;

In that, under the Complete Communities Direction Strategy new development along Mixed Use Corridors should be designed to mitigate any potential impacts on neighbouring properties.

 (b) 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; In that, the proposed development will have an adverse effect on the property owner of 467 St. Anne's Road as it will render their parking area no longer functional or zoning bylaw compliant.

(c) 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

In that, the proposal to amend Schedule C, Urban Infill Area (UIA) Map 2 of the Winnipeg Zoning By-law No. 200/2006 to allow the inclusion of the subject site represents a major modification of the zoning by-law.

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

In that, the proposed development is not compatible with the area as it will have an adverse effect on the property owner of 467 St. Anne's Road as it will render their parking area no longer functional or zoning by-law compliant.

# CONSULTATION

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

# **OURWINNIPEG POLICY ALIGNMENT**

The proposed development does **not** align with *OurWinnipeg* Section 01-1c, Direction 2: *"Develop and maintain an urban structure tool."* 

# WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

The proposed development would align with the following Key Direction in the Winnipeg Climate Action Plan: *"Ensure New Areas of Growth are Designed According to the Principles of Complete Communities."* 

#### SUBMITTED BY

Department:	Planning, Property and Development
Division:	Urban Planning and Design
Prepared by:	Elise Finnigan
Date:	Thursday, December 10, 2020
File No.	DAV 20-189219\D

























