

**Agenda – Board of Adjustment – April 4, 2018**

**PUBLIC HEARINGS**

**Item No. 2                      Variance – 123 Scott Street  
(Fort Rouge - East Fort Garry Ward)  
File DAV 101911/2018C**

**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 to permit as follows:

- 1) for the construction of a multi-family dwelling (6 units) to permit:
  - a) a lot area per dwelling unit of 746 square feet (69 square metres) instead of 800 square feet (74.32 square metres);
  - b) a front yard of 15 ft (4.57 metres) instead of 31 ft (9.45 metres);
  - c) a north side yard of 3.8 feet (1.16 metres) instead of 14 feet (4.27 metres);
  - d) a south side yard of 6.5 feet (1.98 metres) instead of 14 feet (4.27 metres);
- 2) for the establishment of an accessory parking area to permit:
  - a) a tandem parking;
  - b) parking space within 10 feet (3.05 metres) of a window to a habitable room where the sill is located 5 feet (1.52 metres) or less from grade;
  - c) no buffering of parking along the north side; and
  - d) no buffering of parking along the west side.
  - e) parking stall length of 22 feet (6.71 metres) instead of 23 feet (7.01 metres) for stalls accessed directly from a public lane; Subject to the following condition(s):

subject to the following conditions:

- 1) The Owner/Developer must submit plans showing the location and design of any and all proposed:
  - buildings;
  - accessory parking areas;

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### WINNIPEG PUBLIC SERVICE RECOMMENDATION (continued):

- private approaches;
- garbage enclosures;
- fencing;
- landscaping;

on the Owner's Land ("Works") to the City's Director of Planning, Property and Development ("Director") 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.

- 2) That the development shall be constructed in substantial conformance with the plans submitted attached hereto and identified as Sheet Nos. 1-5, for File No. DAV 18-101911/C dated February 5, 2018

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- File: DAV 101911/2018C
- Applicant: 2 Architecture Inc.  
(Andre Silva)
- Premises Affected: 123 Scott Street
- Legal Description: LOT 16 PLAN 27446 36/37 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 to permit as follows:
1. for the construction of a multi-family dwelling (6 units) to permit:
    - A. a lot area per dwelling unit of 746 square feet (69 square metres) instead of 800 square feet ( 74.32 square metres);
    - B. a front yard of 15 ft (4.57 metres) instead of 31 ft (9.45 metres);
    - C. a north side yard of 3.8 feet (1.16 metres) instead of 14 feet (4.27 metres);
    - D. a south side yard of 6.5 feet (1.98 metres) instead of 14 feet (4.27 metres);
  2. for the establishment of an accessory parking area to permit:
    - A. a tandem parking;
    - B. parking space within 10 feet (3.05 metres) of a window to a habitable room where the sill is located 5 feet (1.52 metres) or less from grade;
    - C. no buffering of parking along the north side;
    - D. no buffering of parking along the west side.
    - E. parking stall length of 22 feet (6.71 metres) instead of 23 feet (7.01 metres) for stalls accessed directly from a public lane.

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Exhibits Filed:

1. Application dated March 7, 2018
2. Notification of Public Hearing dated March 8, 2018
3. Manitoba Status of Titles 2383952/1, 2917507/1
4. Letter of authorization dated December 19 from Diesel Heavy Construction Ltd. to 2 Architecture Inc
5. Confirmation from the Zoning and Permits Administrator that the subject property may be posted in substitution for newspaper advertising
6. Plans, Sheets 1 to 5 inclusive, for File DAV 101911/2018C dated February 5, 2018
7. Report from the Urban Planning Division dated March 21, 2018
8. 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

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

Moved by

That the receipt of public representations be concluded.

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Moved by

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

- (a)  is consistent  is not consistent with Plan Winnipeg, and any applicable secondary plan;
- (b)  does not create  does create a substantial adverse effect on the amenities, use, safety and convenience of the adjoining property and adjacent area, including an area separated from the property by a street or waterway;
- (c)  is  is not the minimum modification of a zoning by-law required to relieve the injurious effect of the zoning by-law on the applicant's property; and
- (d)  is  is not compatible with the area in which the property to be affected is situated.

Supporting Comments:

Moved by

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

Moved by

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

**ADMINISTRATIVE REPORT**

**Title:** DAV 18-101911\C – 123 Scott ST

**Issue:** For consideration at the public hearing for a variance for the establishment of a multiple-family dwelling.

**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
Michael Robinson, RPP, MCIP	B. Smith, RPP, MCIP	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 to permit as follows:

- 1) for the construction of a multi-family dwelling (6 units) to permit:
  - a) a lot area per dwelling unit of 746 square feet (69 square metres) instead of 800 square feet (74.32 square metres);
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- d) no buffering of parking along the west side.
- e) parking stall length of 22 feet (6.71 metres) instead of 23 feet (7.01 metres) for stalls accessed directly from a public lane; Subject to the following condition(s):

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1) The Owner/Developer must submit plans showing the location and design of any and all proposed:

- buildings;
- accessory parking areas;
- private approaches;
- garbage enclosures;
- fencing;
- landscaping;

on the Owner's Land ("Works") to the City's Director of Planning, Property and Development ("Director") 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.

2) That the development shall be constructed in substantial conformance with the plans submitted attached hereto and identified as Sheet Nos. 1-5, for File No. DAV 18-101911/C dated February 5, 2018

**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, development permits can be issued.

**FILE/APPLICANT DETAILS**

**FILE:** DAV 18-101911\C

**RELATED FILES:**

**COMMUNITY:** City Centre Committee

**NEIGHBOURHOOD #:** 1.111

**SUBJECT:** To vary the "RMF-M" dimensional standards of Zoning By-Law No. 200/2006 to permit as follows:

- 1) for the construction of a multi-family dwelling (6 units) to permit:
  - a) a lot area per dwelling unit of 746 square feet (69 square metres) instead of 800 square feet ( 74.32 square metres);
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  - c) no buffering of parking along the north side; and
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  - e) parking stall length of 22 feet (6.71 metres) instead of 23 feet (7.01 metres) for stalls accessed directly from a public lane;

**LOCATION:** 123 Scott ST  
**LEGAL DESCRIPTION:** LOT 16 PLAN 27446 36/37 ST B  
**APPLICANT:** ANDRE SILVA  
 70 Arthur ST Unit 485  
 Winnipeg , Manitoba R3B 1G7

**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;



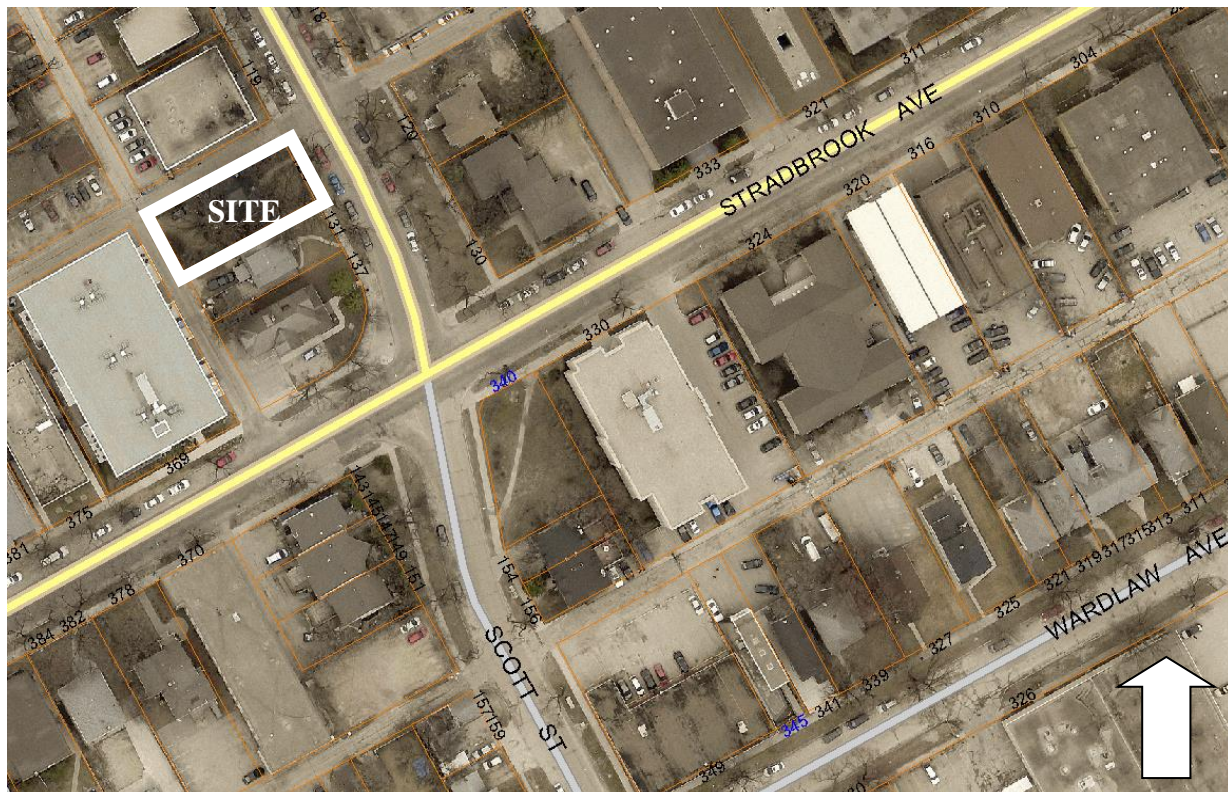
- (b) does not create a substantial adverse effect on the amenities, use, safety and convenience of the adjoining property and adjacent area, including an area separated from the property by a street or waterway;
- (c) is the minimum modification of a zoning-by-law required to relieve the injurious effect 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 Scott Street, in the River-Osborne neighbourhood of the Fort Rouge - East Fort Garry ward

The site is Mature Communities under the *Complete Communities Direction Strategy*. The property is zoned “RMF-M” Residential Multi-Family Medium.

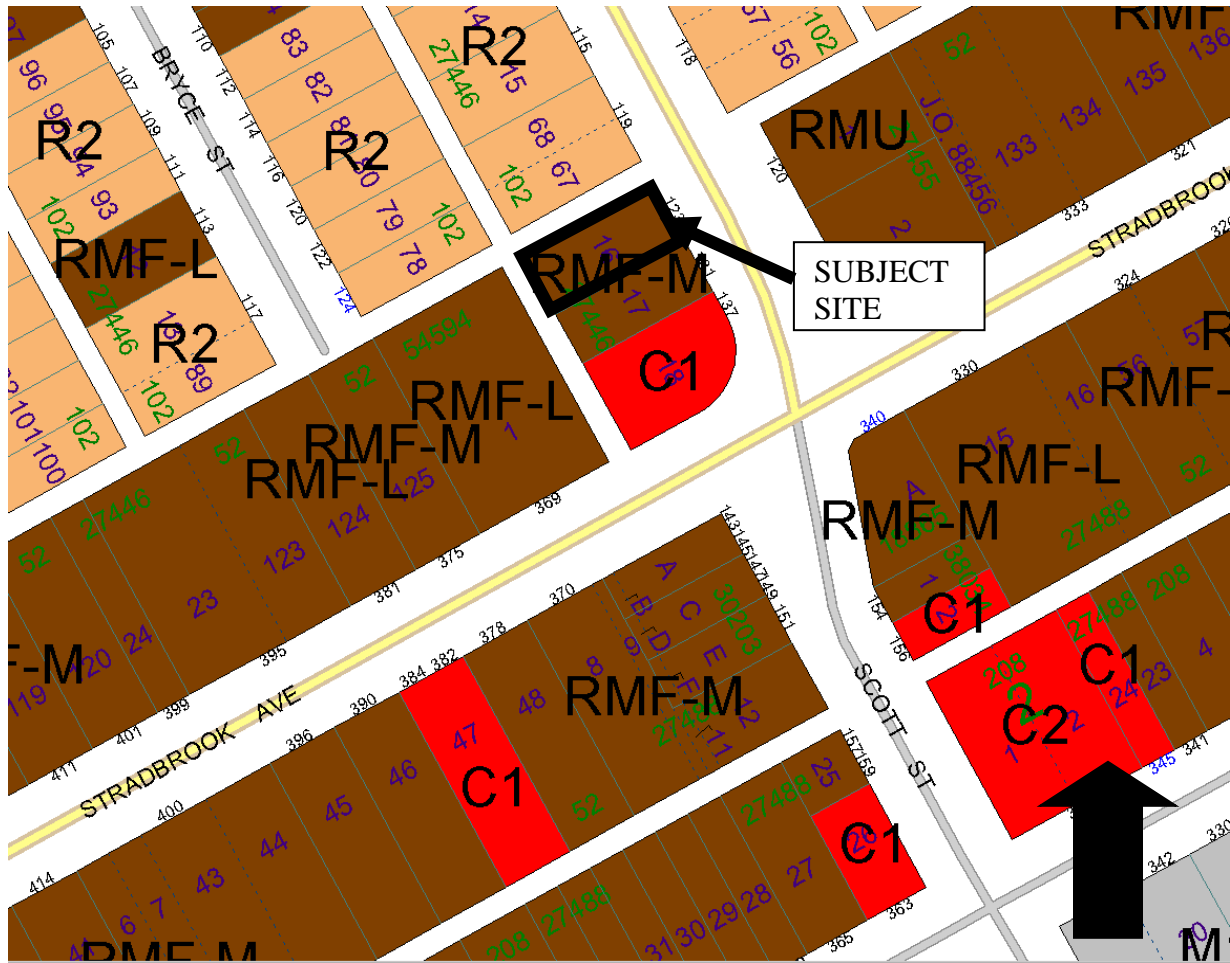
There is currently a single-family home on the property, which the applicant intends to remove.



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

**SURROUNDING LAND USE AND ZONING (See Figure 2)**

- North:** Back lane, then multi-family residence zoned “RMF-M” Residential Multi-Family District
- South:** Single-family residence zoned “RMF-M” Residential Multi-Family District
- East:** Scott Street, then mixed use development zoned “RMU” Residential Mixed Use District
- West:** Back lane, then multi-family residence zoned “RMF-L” Residential Multi-Family District



**Figure 2: Zoning of the site and surrounding area**

**DESCRIPTION OF THE PROPOSED DEVELOPMENT**

The applicant seeks approval to construct a six unit multiple-family residential development on the subject property.

The proposed building is 3.5 storeys and has 7 parking stalls in the rear.

If approved, the applicant intends to demolish the existing residence on the property.

*Reason for application*

The subject property is zoned “RMF-M” Multi-Family District, which accommodates multi-family development as a permitted use. However, several variances are required to establish the proposed building.

*Lot area per dwelling unit*

The applicant seeks a density that slightly exceeds the maximum density permitted in the “RMF-M” Multi-Family Residential District. Consequently, a minor density variance is required.

*Front yard setback*

Based on the alignment of the block, a front yard setback of 31 feet is required. The applicant is requesting a setback of 15 feet. For this reason, a variance is required.

*Side yard setbacks*

The side yard setbacks required are 14 feet. The applicant is requesting side yards setbacks of 3.8 feet and 6.5 feet respectively. For this reason, variances are required.

*Tandem parking*

The applicant is proposing to have two parking stalls in tandem, which is not permitted in multiple-family developments in the Winnipeg Zoning By-law. In light of this, a variance is required.

*Parking space within 10 feet of a window to a habitable room*

Parking stalls are required to be located more than 10 feet from the window of a habitable room. In this instance two parking stalls are immediately adjacent to windows of a habitable room. In light of this, a variance is required.

*No buffering of parking*

Section 190 (8) of Zoning By-law 200/2006 requires a buffer be installed when a parking area accessory to a multi-family use is located within 20 feet of a side or rear lot line which abuts a residential zoning district. The applicant is proposing not to provide a buffer. For this reason, a variance is required.

*Parking stall length*

The parking stalls depths are required to be 23 feet deep. The proposed stalls are 22 feet deep. Accordingly, a variance is required.

**ANALYSIS AND ISSUES**

*Lot area per dwelling unit*

The variance for lot area per dwelling unit is minor in nature and allows the density to be rounded up from 5.59 units to 6 units.

Because the density adjustment is very small, and because the proposed density is generally consistent with the density of other multi-family developments in the immediate area, the Urban Planning Division believes the density meets the intent of the Village Medium Density Residential Area in the Osborne Village Neighbourhood Plan, and recommends that the variance be approved.

*Front yard setback*

The property to the north has a setback of approximately 10 feet and the building to the south has a setback of approximately 31 feet.

Other multiple-family buildings on the subject block have front yard setbacks in the 10-20 foot range.

The Osborne Village Neighbourhood Plan says the following about setbacks:

- 3.1.1.B Development will achieve an urban character and reinforce the relationship between buildings and the street by:
  - 3.1.1.B.1 Orienting buildings to the street to restore traditional mature neighbourhood character. **New buildings are to be located to the front and corner side property lines and have a street front orientation**

- 3.1.1.B.2 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 buildings

Given the local context whereby multiple-family building are closer to the street and given the policies regarding front yard setbacks in the Osborne Village Plan, it is recommended that this variance be approved.

*North side yard setback*

To the north is a back lane. Consequently, a reduced side yard setback on this side will not have an adverse impact on the property to the north. Furthermore, a reduced setback to the lane is common in the Osborne Village neighbourhood, as well as other mature communities. For these reasons, it is recommended that this variance be approved.

*South Side yard setback*

For the proposed scale of building, a 6.5 foot setback on the south side is consistent with the neighbourhood and is consistent with other variances that have been approved for other multi-family developments in Osborne Village. For these reasons, it is recommended that this variance be approved.

*Tandem parking*

Tandem parking is not an ideal parking arrangement but it can be functional if overseen properly by building management. In this case, constraints of the site make it difficult to provide a sufficient number of stalls as required by the Zoning By-Law without a tandem configuration for one of the stalls. The Urban Planning Division anticipates that one tandem stall can be managed in a functional way. The Urban Planning Division supports this variance and recommends that it be approved.

*Parking space within 10 feet of a window of a habitable room*

Since the parking stalls in question are not facing the habitable rooms, but are parallel to the building, there is not anticipated to be any impact from this variance. For that reason, it is recommended that the variance be approved.

*No buffering of parking*

It is not practical or necessary, in most instances, to screen a rear parking area from the back lane. In this instance, the development is taking access directly off the lane, leaving no opportunity to buffer the parking area. Furthermore, across the back lanes are three multiple-family buildings that also have open parking areas without buffering.

Given the context and the site constraints, it is recommended that the variance be approved.

*Parking stall length*

The reduction of the stall depth by 1 foot is minor in nature, is the minimum modification of the By-law, is compatible with the area, and will not have a substantial adverse impact on surrounding properties. For these reasons, it is recommended that the variance be approved.

## REASONS FOR RECOMMENDATIONS

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

- (a) is consistent with Plan Winnipeg and any applicable secondary plan;  
*In that, the proposed development is consistent with 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 proposed development is similar in size and layout to other multi-family buildings in the neighbourhood;*
- (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 reasonable and necessary to development the site in a way that is consistent with other multiple-family buildings in the neighbourhood*
- (d) is compatible with the area in which the property to be affected is situated.

*In that, the development is of a size and a density that is similar to surrounding buildings.*

## CONSULTATION

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

## SUBMITTED BY

Department: Planning, Property and Development  
Division: Urban Planning  
Prepared by: Michael Robinson, RPP, MCIP  
Date: March 21, 2018  
File No. DAV 18-101911\C

Exhibit "6" referred to in File DAV 101911/2018C

