

**Agenda – Appeal Committee – April 12, 2018**

**PUBLIC HEARINGS**

**Item No. 3                      Appeal – Variance – 456 Bannatyne Avenue  
(Point Douglas Ward)  
File DAV 174104A/2017C [c/r DCU 105902A/2018C]**

Appeals were received against the decision of the Board of Adjustment to approve a Variance on “the land” for the construction of a residential and commercial building (having a multi-family dwelling and restaurant) to permit:

1. a front yard of 10 feet (3.05 metres) to the building instead of 20 feet (6.1 metres);
2. no front yard to the accessory outdoor dining/drinking area instead of 20 feet (6.1 metres);
3. a west corner side yard of 10 feet (3.05 metres) instead of 20 feet (6.1 metres);
4. a rear yard of 6.7 feet (2.04 metres) to the building instead of 25 feet (7.62 metres);
5. no rear yard to the garbage enclosure instead of 25 feet (7.62 metres);
6. a lot area per dwelling unit of 506 square feet (47 square metres) instead of 1,000 square feet (92.9 square metres);
7. 13 parking spaces instead of 41 spaces;

subject to the following conditions:

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.
2. That final plans showing the location and design of buildings, including building elevations, site plans, floor plans, garbage enclosures, fencing and accessory parking area shall be submitted to the Lord Selkirk – West Kildonan Community Committee and the Director of Planning, Property and Development for plan approval prior to the issuance of any development or building permits; or that the development shall be built in substantial conformance with the plans submitted and attached hereto and identified as Exhibit 6, Sheets 1 to 9 of File No. DAV 174104/2017C, dated November 8, 2017.

**Agenda – Appeal Committee – April 12, 2018**

DECISION MAKING HISTORY:

COMMITTEE RECOMMENDATION:

On March 8, 2018, the Appeal Committee did not hear any representation on the appeal and adjourned the public hearing to its meeting on April 12, 2018.

On January 26, 2018, the Appeal Committee did not hear any representation on the appeal and adjourned the public hearing to its meeting on March 8, 2018.

**Agenda – Appeal Committee – April 12, 2018**

File: DAV 174104A/2017C

Appellants: Catherine Collins  
Fred Curry

Applicant: H5 Architecture (Helio Rodrigues)

Premises Affected: 456 Bannatyne Avenue

Legal Description: LOT 69 PLAN 32423 6/7 ST  
LOT 68 PLAN 32423 6/7 ST J TOG WITH ROW FOR ALL  
PURPOSES & AS APPURT TO  
LOT 68 OVER & UPON LOTS 65 & 67 SAID PL,  
hereinafter called “the land”

Property Zoned: “RMU PDO-1 West Alexander Centennial”  
(Residential Mixed Use Planned Development Overlay-1 West  
Alexander Centennial District)

Nature of Application: To vary the “RMU PDO-1 West Alexander Centennial”  
Dimensional Standards of the Winnipeg Zoning By-Law No.  
200/2006 for the construction of a residential and commercial  
building (having a multi-family dwelling and restaurant) to permit:

1. a front yard of 10 feet (3.05 metres) to the building instead  
of 20 feet (6.1 metres);
2. no front yard to the accessory outdoor dining/drinking area  
instead of 20 feet (6.1 metres);
3. a west corner side yard of 10 feet (3.05 metres) instead of  
20 feet (6.1 metres);
4. a rear yard of 6.7 feet (2.04 metres) to the building instead  
of 25 feet (7.62 metres);
5. no rear yard to the garbage enclosure instead of 25 feet  
(7.62 metres);
6. a lot area per dwelling unit of 506 square feet (47 square  
metres) instead of 1,000 square feet (92.9 square metres);
7. 13 parking spaces instead of 41 spaces.

Exhibit Filed:

1. Order DAV 174104/2017C dated December 1, 2017
2. Notice of Appeal filed by Catherine Collins, received  
December 20, 2017
3. Notice of Appeal filed by Fred Curry, received December  
20, 2017

## **Agenda – Appeal Committee – April 12, 2018**

4. Notification of Public Hearing dated January 9, 2018
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 9 inclusive, for File DAV 174104/2017C dated November 8, 2017
7. Report from the Urban Planning Division dated November 15, 2017
8. Inspection Report
9. Communication dated January 24, 2018 from the Winnipeg Public Service requesting an adjournment
10. Notice of Adjournment dated January 26, 2018
11. Notice of Adjournment dated March 8, 2018

## **Agenda – Appeal Committee – April 12, 2018**

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

### **REPRESENTATIONS:**

In Support of the Appeals:

In Opposition to the Appeals:

For Information on the Appeals:

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.

**Agenda – Appeal Committee – April 12, 2018**

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

Supporting Comments:

Moved by Councillor

That the appeals be allowed / allowed in part / denied and Order DAV 174104/2017C 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 these appeals be concluded.

**ADMINISTRATIVE REPORT**

**Title:** DAV 17-174104C – 456 Bannatyne AVE

**Issue:** For consideration at the public hearing for variances associated with the construction of a mixed use building.

**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
Femi Ojo	B. Smith	n/a	n/a	

**RECOMMENDATIONS**

The Urban Planning Division recommends **approval, with conditions** of the application to vary the "RMU PDO-1 West Alexander Centennial" Dimensional Standards of Zoning By-Law No. 200/2006 for the construction of a residential and commercial building (having a multi-family dwelling and restaurant) to permit:

- 1) a front yard of 10 feet (3.05 metres) to the building instead of 20 feet (6.1 metres);
- 2) no front yard to the accessory outdoor dining/drinking area instead of 20 feet (6.1 metres);
- 3) a west corner side yard of 10 feet (3.05 metres) instead of 20 feet (6.1 metres);
- 4) a rear yard of 6.7 feet (2.04 metres) to the building instead of 25 feet (7.62 metres);
- 5) no rear yard to the garbage enclosure instead of 25 feet (7.62 metres);
- 6) a lot area per dwelling unit of 506 square feet (47 square metres) instead of 1000 square feet (92.9 square metres);
- 7) 13 parking spaces instead of 41 spaces.

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.
2. That final plans showing the location and design of buildings, including building elevations, site plans, floor plans, garbage enclosures, fencing and accessory parking area shall be submitted to the Director of Planning, Property and Development for plan

approval prior to the issuance of any development or building permits; **or** that the development shall be built in substantial conformance with the plans submitted and attached hereto and identified as Sheets 1 to 9 of File No. DAV 17-174104/C, dated November 8, 2017.

## REASON FOR THE REPORT

The applicant intends to vary the "RMU PDO-1 West Alexander Centennial" Dimensional Standards of Zoning By-Law No. 200/2006 for the construction of a residential and commercial building (having a multi-family dwelling and restaurant). Variances are required for lot area per dwelling, parking and yard setbacks.

Variance applications require a public hearing as per *The Development Procedures By-law* No. 160/2011 and *The City of Winnipeg Charter*, section 249.

The report is being submitted for the Board of Adjustment's consideration of the development application at the public hearing.

## IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations of the Urban Planning Division are concurred in, the subject application will be approved with two conditions.

## FILE/APPLICANT DETAILS

**FILE:** DAV 17-174104\C

**RELATED FILES:**

**COMMUNITY:**

Lord Selkirk - West Kildonan Committee

**NEIGHBOURHOOD #:**

3.105

**SUBJECT:**

To vary the "RMU PDO-1 West Alexander Centennial" Dimensional Standards of Zoning By-Law No. 200/2006 for the construction of a residential and commercial building (having a multi-family dwelling and restaurant) to permit:

1) a front yard of 10 feet (3.05 metres) to the building instead of 20 feet (6.1 metres);

2) no front yard to the accessory outdoor dining/drinking area instead of 20 feet (6.1 metres);

3) a west corner side yard of 10 feet (3.05 metres) instead of 20 feet (6.1 metres);

4) a rear yard of 6.7 feet (2.04 metres) to the building instead of 25 feet (7.62 metres);

5) no rear yard to the garbage enclosure instead of 25 feet (7.62 metres);

6) a lot area per dwelling unit of 506 square feet (47 square metres) instead of 1000 square feet (92.9 square metres);

7) 13 parking spaces instead of 41 spaces.



**LOCATION:** 456 Bannatyne AVE  
**LEGAL DESCRIPTION:** LOT 69 PLAN 32423 6/7 ST J  
**APPLICANT:** Helio Rodrigues  
610a Broadway  
Winnipeg , Manitoba R3C 0W8  
**OWNER:** JMT Holdings Inc.  
3000 MAIN ST  
West St Paul , Manitoba R2V 4T2

## HISTORY

N/A

## DISCUSSION

### CRITERIA FOR APPROVAL

Pursuant to Section 247(3) of *The City of Winnipeg Charter*, an application for a variance with respect to a property may be approved if the variance:

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

### SITE DESCRIPTION

- The subject property is located on the southeast corner of Harriet Street and Bannatyne Avenue in the West Alexander neighborhood of the Point Douglas Ward.
- The subject site is 9,927 sq. ft. in size. A row housing currently exists on the site.
- The subject property falls within the Area of Stability – Mature Communities Policy Area under the *Complete Communities Direction Strategy*.
- The subject property is zoned “RMU PDO-1 Residential Mixed Use in the West Alexander 7 Centennial Neighborhood Plan.

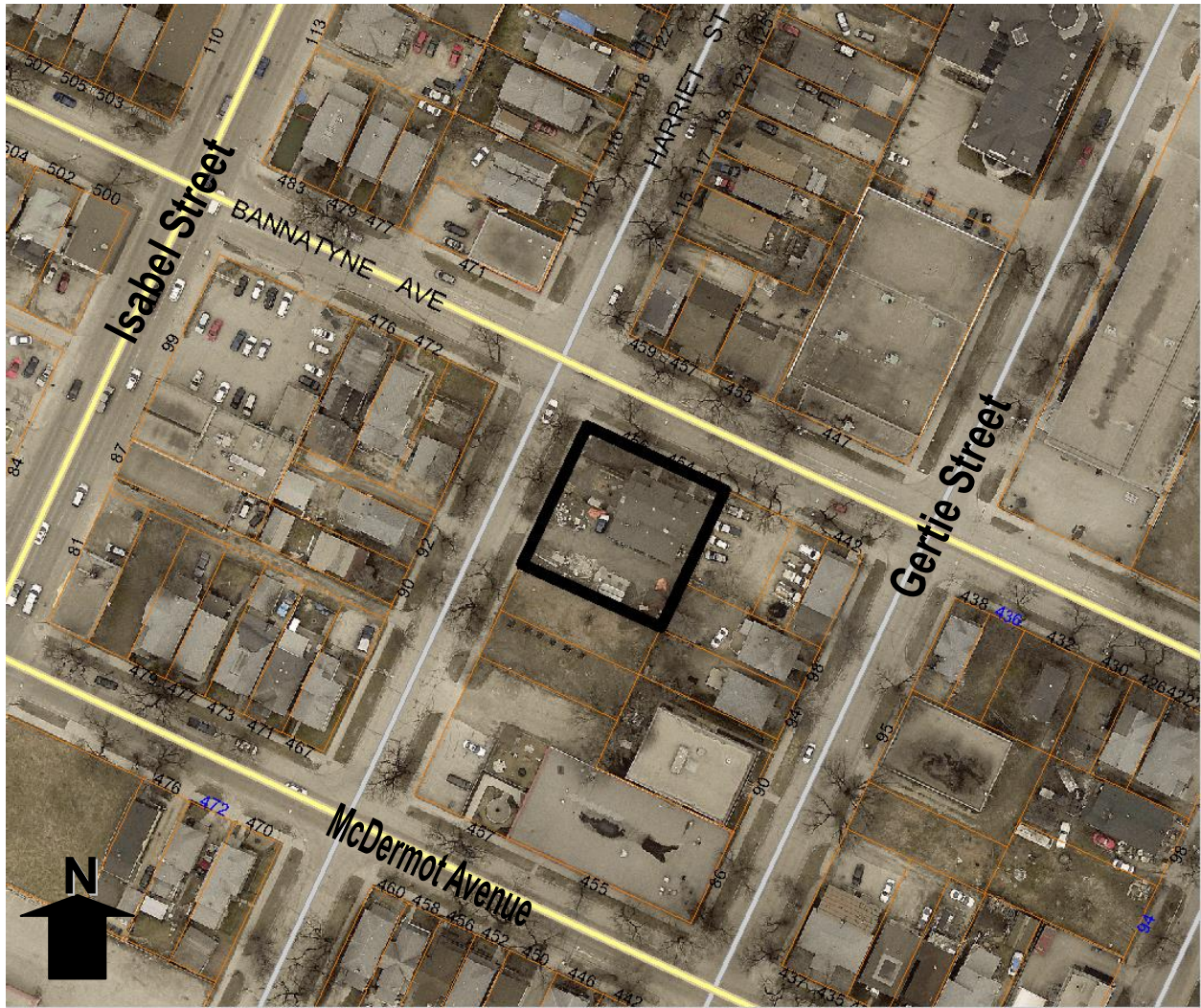


Figure 1: Aerial Photo of Subject Site and Surrounding Uses (flown 2016)

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

**North:** Bannatyne Avenue, then residences zoned “RMU” Residential Mixed Use.

**South:** Vacant property zoned “RMU” Residential Mixed Use.

**East:** Vacant property zoned “RMU” Residential Mixed Use.

**West:** Harriet Street, then residences zoned “R2” Residential Two-Family.

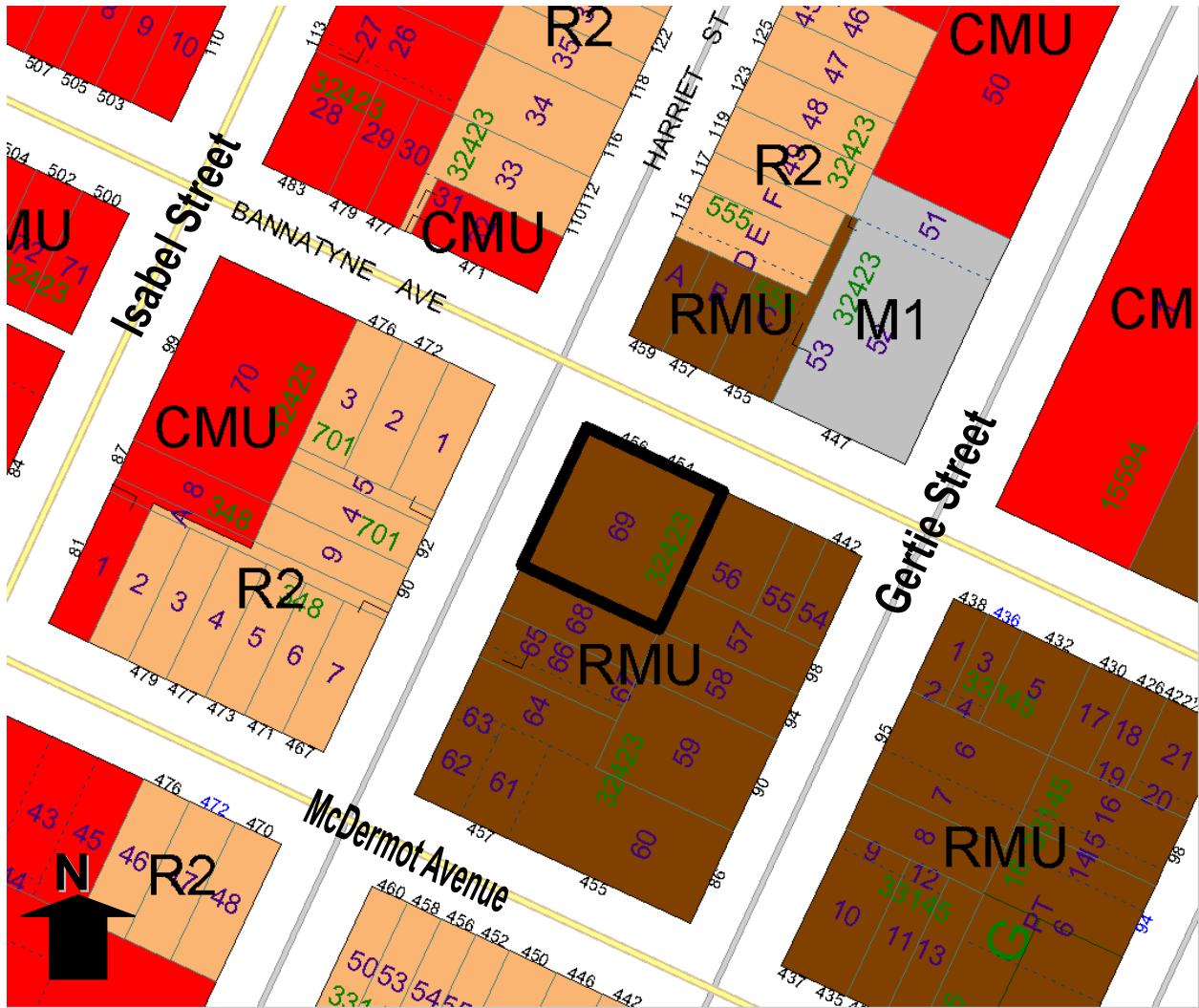


Figure 2: Zoning of the site and surrounding area.

## DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The proposal is to establish a four (4) storey mixed use building comprising of twenty six (26) residential units above ground and one (1) commercial unit at grade. The existing row housing on site will be removed.
- The applicant is requesting variances for lot area per dwelling, parking and yard setbacks.
- The applicant has submitted building elevations, site plan, floor plans and building photo rendering as part of this application.

## ANALYSIS AND ISSUES

### COMPLETE COMMUNITIES DIRECTION STRATEGY:

- Under the *Complete Communities Direction Strategy* the proposed development is within the Areas of Stability – Mature Communities policy area. 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 address the transition between new and existing developments.*
- *Support the subdivision of a parcel of land into two or more lots when it is done in a context sensitive manner.*

## WEST ALEXANDER & CENTENNIAL NEIGHBORHOOD PLAN

- The subject property also falls within the Residential Mixed Use Policy Area. Policies guiding development in this area include:
  - Accommodate a mix of low and medium density residential uses with low intensity commercial uses;
  - Low intensity and pedestrian oriented commercial uses such as professional offices and small retail businesses (under 2,500 Sq. ft.). Automobile-oriented land uses, such as gas station, non-accessory parking lots and other drive-through uses will not be accommodated;
  - Encourage the development of gathering places and active areas, such as pedestrian plazas, outdoor seating areas, and patios at prominent , highly visible locations

## REASON FOR THIS APPLICATION

*Lot area per dwelling of 506 sq. ft. instead of 1000 sq. ft.*

The West Alexander & Centennial Neighborhood Plan prescribes a lot area per dwelling unit of 800 to 1000 square feet for residential development within the “RMU PDO” Residential Mixed Use district. The applicant is proposing a lot area per dwelling of 506 sq. ft. therefore requiring a variance.

*A front yard of 10 feet instead of 20 ft.*

The Winnipeg Zoning By-law (Table 5-4) prescribes a 20 foot front for developments in the “RMU” zoning district. The applicant is proposing a 10 foot front yard therefore requiring a variance.

*No front yard to accessory outdoor dining/drinking area instead of 20 feet*

The Winnipeg Zoning By-law (Table 5-4) prescribes a 20 foot front for developments in the “RMU” zoning district. The applicant intends to establish an accessory outdoor patio with no front yard. As such, a variance is required.

*West corner side yard of 10 feet instead of 20 feet*

In the “RMU” zoning district, the Winnipeg Zoning By-Law 200/2006 (Table 5-4) prescribes a minimum corner side yard of 20 feet, the applicant is proposing 10 feet therefore requiring a variance.

*A rear yard of 6.7 feet instead of 25 feet*

The Winnipeg Zoning By-law (Table 5-4) prescribes a 25 foot minimum rear yard setback for developments in the “RMU” zoning district. The applicant is proposing a rear yard of 6.7 feet therefore requiring a variance.

*No rear yard to garbage enclosure instead of 25 feet*

The applicant is proposing a garbage enclosure within the required 20 feet minimum rear yard. A variance is required as the garbage enclosure is on the rear property line.

*13 parking stalls instead of 41 stalls*

With 26 residential units and one commercial space, the applicant requires a total of 41 parking stalls but can provide 13 on-site parking. As such, a variance is required.

ZONING ANALYSIS AND RECOMMENDATION

*Lot area per dwelling of 506 sq. ft. instead of 1000 sq. ft.*

The Winnipeg Zoning By-law 200/2006 allows one dwelling unit per 500 sq. ft. in the “RMU” zoning district. At 506 sq. ft., the proposal meets this requirement.

The subject site is located within approximately 600 meters University of Manitoba Medical Campus and 400 meters to Red River College (Bannatyne Campus).

The applicant has indicated that the dwelling units are mostly geared towards student demographics and employees of these two institutions.

The Planning Division is supportive of the variance to reduce the lot area per dwelling requirement, and thus recommends that the variance be approved.

*A front yard of 10 feet instead of 20 ft.*

Being that the subject property is a corner lot with no adjoining buildings to the east, the proposed front yard of 10 feet will not create any adverse effect on the existing parking lots. The proposed 10 foot front yard will also be consistent with the front yard of the existing house at 442 Bannatyne Avenue.

It is therefore recommended that the front yard variance be approved.

*No front yard to accessory outdoor dining/drinking area instead of 20 feet*

The West Alexander & Centennial Neighborhood Plan encouraged the development of gathering places and active areas, such as outdoor seating area, and patios at prominent highly visible locations.

The proposed design with an outdoor area within the front yard is consistent with the above policy. It is therefore recommended that the variance be approved.

*A west corner side yard of 10 feet instead of 20 feet*

The applicant is providing landscaping and seating area which tends to encourage more activity on the street. It must also be noted that the Harriet Street facing façade of the proposed



development is aesthetically pleasing looking at the plans submitted. Thus, a reduced west corner side yard is supportable.

*A rear yard of 6.7 feet instead of 25 feet*

Being that the applicant is providing a 6.7 foot rear yard setback and a driveway width of 20 feet at grade, the entire development is 26.7 feet away from the rear lot line at grade.

There is nothing to suggest that the proposed rear yard setback would have a negative impact on any future development on lots abutting the rear lot line.

It is therefore recommended that the variance be approved.

*No rear yard to garbage enclosure instead of 25 feet*

The proposed garbage area will be enclosed to prevent any negative visual impact(s). Also, being that the entire development will be fenced, the possibility of garbage spill over to surrounding property is low.

*13 parking stalls instead of 41 stalls*

The applicant has stated that the residential units will be marketed towards students attending Red River College (Princess Campus) and the University of Manitoba's Bannatyne Campus, both of which are within walking distance to subject site.

Aside from the above, the subject property is located one block away from Isabel Street and William Avenue with frequent public transit system. Also, being that the site is within 330 meters of the downtown zoning district, it is within a walkable distance to most social amenities.

It must also be noted that the commercial unit, a café, is aimed at serving the tenants, area residents and other commercial spaces within close proximity.

Finally, as part of the parking management on site, the applicant is providing sixteen (16) bicycle spaces, which is over and above what is required. This will also promote alternative transportation mode for the residents.

## **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 low to moderate change in low-density neighborhoods through development and redevelopment that is complementary to existing scale, character and built form and;*

*The West Alexander & Centennial Neighborhood Plan that accommodates a mix of low and medium density residential uses with low intensity commercial uses.*

- (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 mix-use development will not have an adverse effect on the safety and convenience of adjoining properties.*

- (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 variances will allow optimal development of the lot.*

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

*In that, the proposal is compatible with existing general built form and scale in the area.*

## CONSULTATION

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

## SUBMITTED BY

Department: Planning, Property and Development  
Division: Urban Planning  
Prepared by: Femi Ojo, MCIP, RPP  
Date: Thursday, November 15, 2017  
File No. DAV 17-174104\C

Exhibit "6" referred to in File DAV 174104A/2017C

140516-bannatyne oct11.2017

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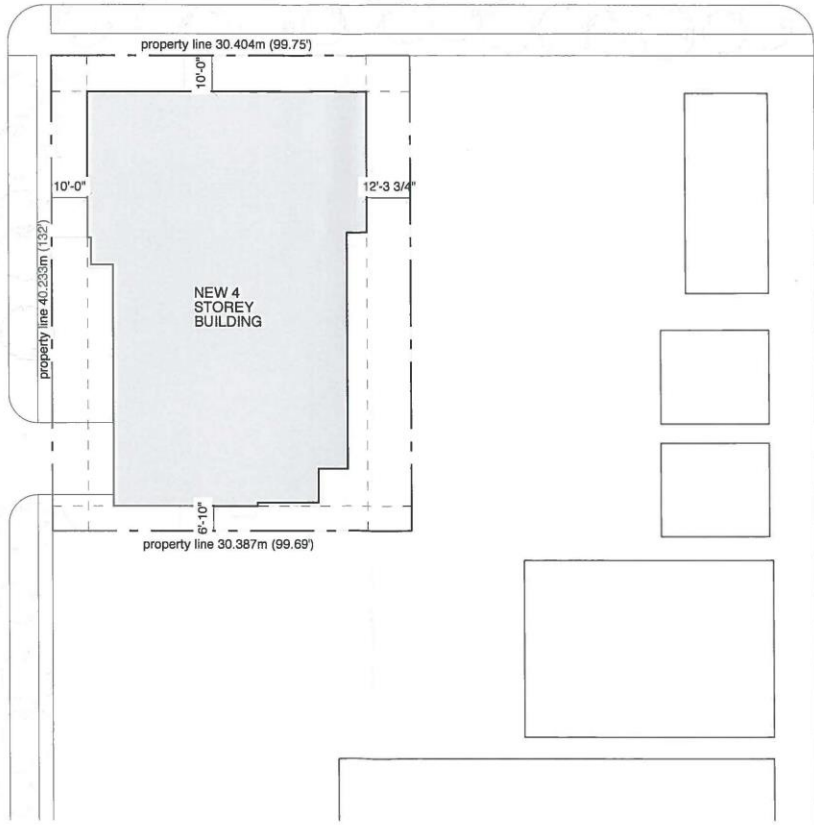
BANNATYNE AVE

HARRIET ST

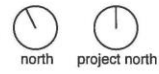
**DEPARTMENT EXAMINATION BRANCH**  
THIS PLAN IS SUBMITTED FOR APPROVAL IN CONNECTION WITH DAV 17-174104/c  
SHEET # 1 OF 1  
APPLICANT (SGD) [Signature]  
COPY EXAM. [Signature]  
NOV 08 2017

map plan

GERIT ST



1 map plan  
a.0.0 1/32" = 1'-0"



preliminary architectural only

SEAL

**h5a**  
h5 architecture

810-A Broadway - Winnipeg, MB - R3C 0W8 - Canada  
1.254.774.0012 | 1.204.774.7092 www.h5architecture.ca

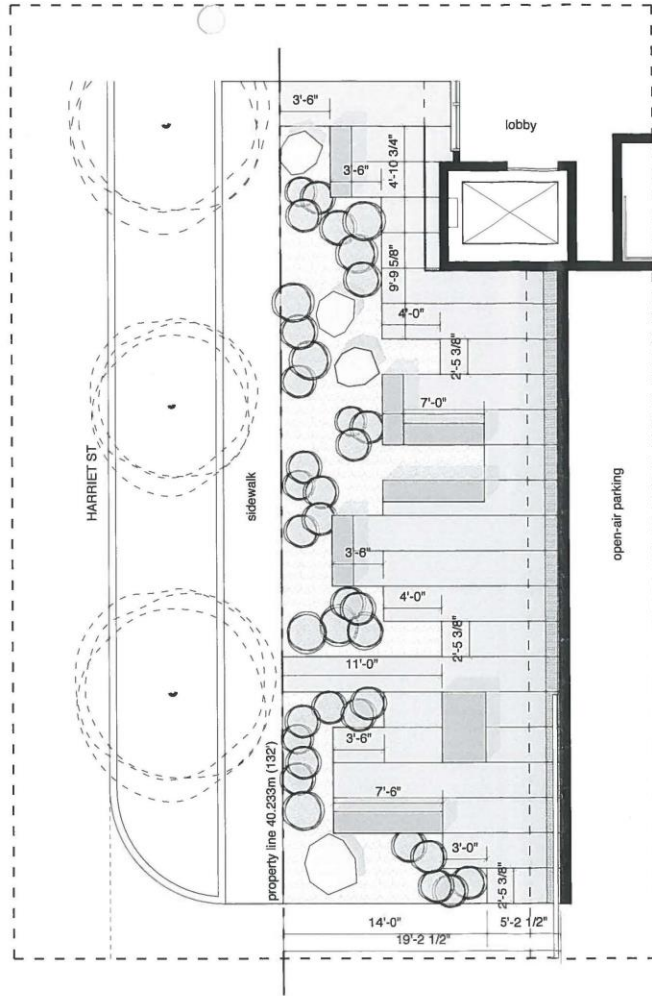
PROJECT TITLE: Bannatyne Block  
ADDRESS: 456 Bannatyne Ave, Winnipeg MB.  
PROJECT NO: 140516 SCALE: as noted  
DRAWN BY: tn DATE: oct11.17  
CHECKED BY: tr REV. NO. 0

**a.0.0**

SHEET NO. 1  
rev'd omitted for review



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DEVELOPMENT EXAMINATION  
BRANCH  
THIS PLAN IS SUBMITTED FOR APPROVAL  
IN CONNECTION WITH DAV 17-174 lot/c  
SHEET # 2 OF 3  
APPLICANT (SGD.): [Signature]  
DEV EXAM. [Signature]  
DATE NOV 08 2017

landscaping detail

1 site/main floor plan  
a.0.1 1/8" = 1'-0"  
north

preliminary architectural only

h5a  
h5 architecture

810-A Bannatyne Winnipeg MB R2C 2B6 Canada  
1 204 774 0012 1 204 774 7092 www.h5architecture.ca

PROJECT TITLE: Bannatyne Block  
ADDRESS: 455 Bannatyne Ave, Winnipeg MB.  
PROJECT NO: 140616 SCALE: as noted  
DRAWN BY: tn DATE: oct.11.17  
CHECKED BY: lr REV. NO: 0

a.0.1

SHEET NO. rev'd. submitted for review

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building code summary  
new 4-storey building,  
CRU  
group A, division 2, 3.2.2.28  
combustible construction

residential units  
group C, 3.2.2.50  
combustible construction (1h), sprinklered  
building area 734.6 sq.m. (7,907 sq.ft.)  
\*2hr f.r.r. between group A-2 & group C

zoning summary  
RMU zoning

26 residential units (13 allowed)  
(13,163 sq.ft. / 1000) \*as per West Alexander PDO  
13 parking stalls (44 required)  
(1.5 stalls per unit + 1 stall per 100 sq.ft for CRU = 55 x 80%)  
16 bicycle spaces (5 required)

setbacks  
10'-0" north setbacks (20'-0")  
12'-3 3/4" east setback (25'-0")  
6'-10" south setbacks (20'-0")  
10'-0" west setback (20'-0")

landscape buffer  
Bannatyne Avenue  
0 trees (4 required - 12 [2 preserved trees w/ +12" caliper] = 0 required)  
15 shrubs (15 required)

Harriet Street  
0 trees (5 required - 18 [3 trees preserved w/ +12" caliper] = 0 required)  
23 shrubs (20 required)

south & east parking edge  
option 2 (190.7.a.ii)

square footage  
main floor 2,571 sq.ft.  
levels 2-4 7,907 sq.ft.  
TOTAL 26,292 sq.ft.  
basement 2,406 sq.ft.

variances  
front, sides, & rear setbacks  
number of off street parking  
density

unit break-down  
level 2  
1 bedroom 4  
1 bedroom + den 2  
2 bedroom 3  
level 3  
1 bedroom 4  
1 bedroom + den 2  
2 bedroom 3  
level 4  
1 bedroom 4  
2 bedroom 2  
2 bedroom + den 1  
3 bedroom 1

DEVELOPMENT EXAMINATION  
BRANCH  
THIS PLAN IS SUBMITTED FOR APPROVAL  
IN CONNECTION WITH DAV 17-1741047  
SHEET # 3 OF 9  
APPLICANT (SGD.) [Signature]  
DEV EXAM. Michelle [Signature]  
DATE NOV 08 2017

site/main floor plan

SEAL

preliminary architectural only

**h5a**  
h5 architecture  
616 A Broadway Winnipeg, MB R3G 0W8, Canada  
1.204.774.0512 1.204.774.7022 www.h5architecture.ca

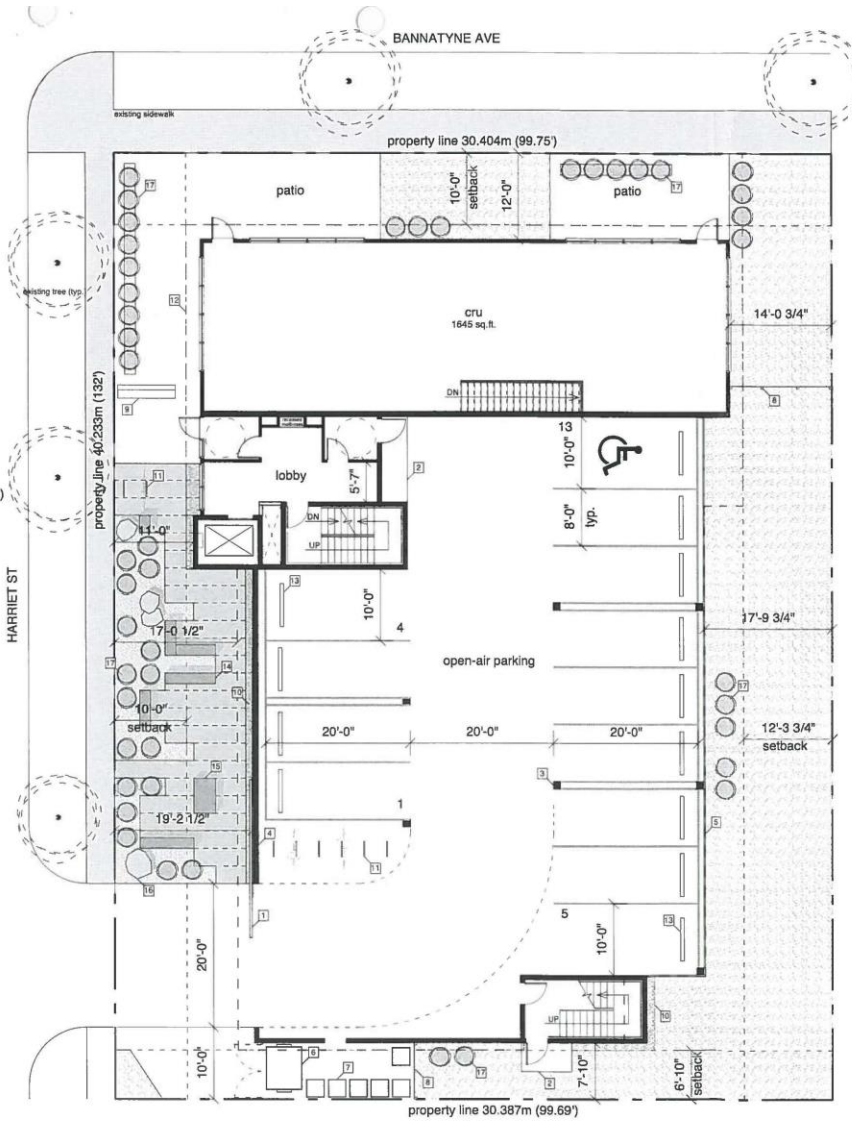
PROJECT TITLE:  
Bannatyne Block  
ADDRESS:  
456 Bannatyne Ave, Winnipeg MB.

PROJECT NO.: 148816 SCALE: as noted  
DRAWN BY: IN DATE: oct.31.17  
CHECKED BY: IN REV. NO. 0

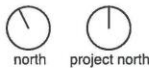
**a.1.0**  
SHEET NO.  
new, printed for review

notes

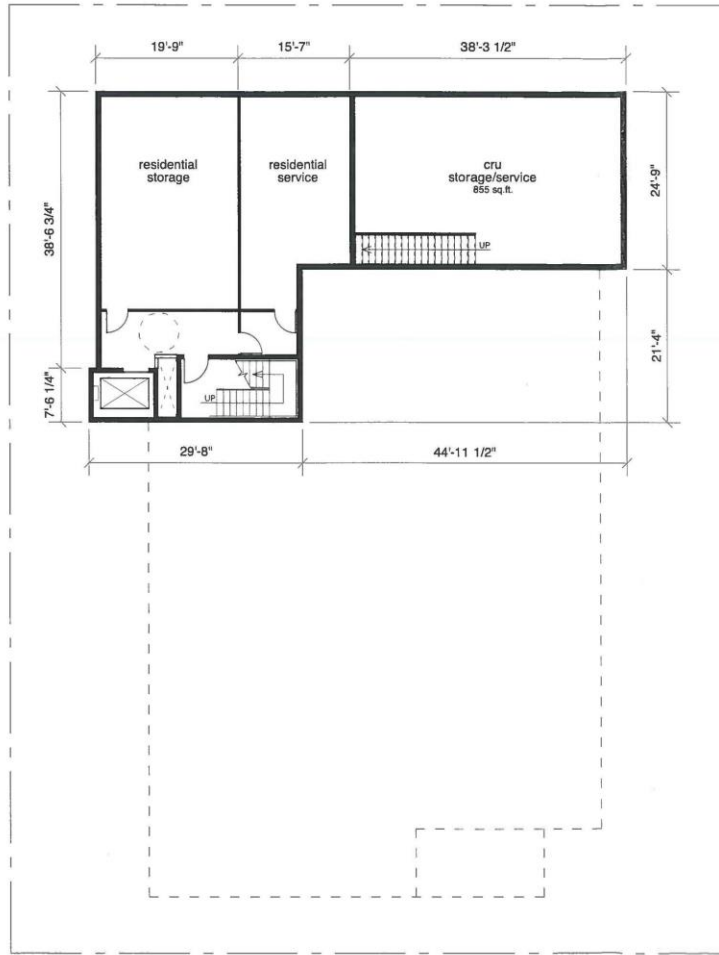
- 1 motorized sliding garage gate
- 2 concrete pad
- 3 concrete column
- 4 concrete masonry unit wall
- 5 metal screen enclosure
- 6 4.5 cu.m. refuse bin
- 7 360-litre recycling cart
- 8 6'-0" wood fence
- 9 concrete entry wall
- 10 virginia creeper/englemann ivy
- 11 bicycle parking
- 12 line of second floor above
- 13 parking curb
- 14 concrete bench
- 15 concrete bench / table
- 16 black granite boulder, 30" - 42"ø
- 17 salt-tolerant shrubs, 2 gal. container max. 30" tall (amount 45)
- 18 deciduous tree, 2 1/2" caliper



1 site/main floor plan  
a.1.0 1/16" = 1'-0"



NOTE:  
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DEVELOPMENT EXAMINATION  
BRANCH  
THIS PLAN IS SUBMITTED FOR APPROVAL  
IN CONNECTION WITH 17/17-174104/c  
SHEET # 4 OF 9  
APPLICANT (SGD.)  
DEV EXAM. Michelle  
DATE NOV 08 2017

basement floor plan

1 ■ basement floor plan  
a.1.1 ■ 1/16" = 1'-0"

preliminary architectural only

h5a  
h5 architecture  
813 A Broadway Winnipeg, MB R3C 0V8 - Canada  
1 204 774 0019 1 204 774 7225 www.h5architecture.ca

PROJECT TITLE:  
Bannatyne Block

ADDRESS:  
456 Bannatyne Ave, Winnipeg MB.

PROJECT NO.: 140616 SCALE: as noted

DRAWN BY: In DATE: oct31.17

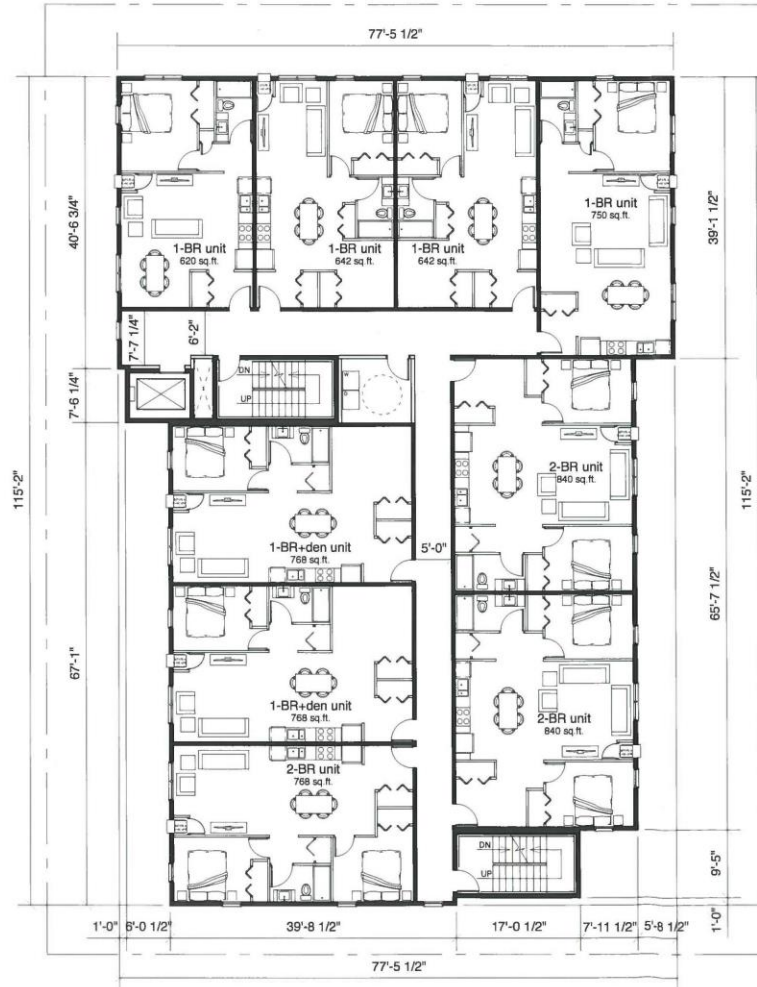
CHECKED BY: tv REV. NO. 0

a.1.1

SHEET NO.

rev0 - printed for review

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**DEVELOPMENT EXAMINATION  
 BRANCH**  
 THIS PLAN IS SUBMITTED FOR APPROVAL  
 BY CONNECTION WITH DAV17-174104K  
 SHEET # 511 OF 1  
 APPLICANT (SGD.) [Signature]  
 CITY EXAM. [Signature]  
 NOV 08 2017

level 2-3 floor plan

1 level 2-3 floor plan  
 a.1.2 1/16" = 1'-0"

preliminary architectural only

**h5a**  
 h5 architecture  
610-A Broadway - Winnipeg MB - R3C 0W8 - Canada  
 1.204.774.0212 1.204.774.7080 www.h5architecture.ca

PROJECT TITLE:  
 Bannatyne Block

ADDRESS:  
 456 Bannatyne Ave, Winnipeg MB.

PROJECT NO:  
 140616

SCALE:  
 as noted

DRAWN BY:  
 In

DATE:  
 oct.11.17

CHECKED BY:  
 [Signature]

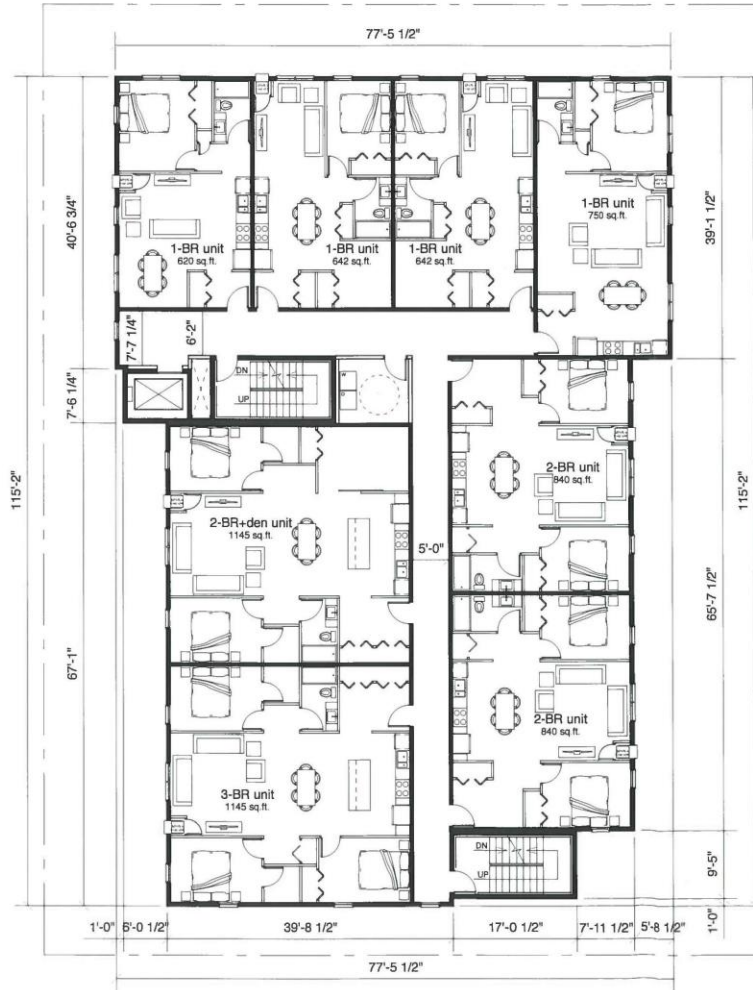
REV NO 0

**a.1.2**

SHEET NO.  
 rev'd. dated for review



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REGULATORY EXAMINATION  
BRANCH

THIS PLAN IS SUBMITTED FOR APPROVAL  
IN CONNECTION WITH Dw 17-174042

SHEET # 6 OF 9

APPLICANT (SGD) [Signature]

DEV EXAM. Michelle [Signature]

DATE NOV-08-2017

level 4 floor plan

1 level 4 floor plan  
a.1.3 1/16" = 1'-0"

preliminary architectural only

h5a  
h5 architecture

810-A Broadway - Winnipeg, MB - R3C 0W8 - Canada  
1.204.774.0012 1.204.774.7092 www.h5architecture.ca

PROJECT TITLE  
Bannatyne Block

ADDRESS  
456 Bannatyne Ave, Winnipeg MB.

PROJECT NO. 140616 SCALE as noted

DRAWN BY: In DATE oct.11.17

CHECKED BY: REV NO 0

a.1.3 SHEET NO.

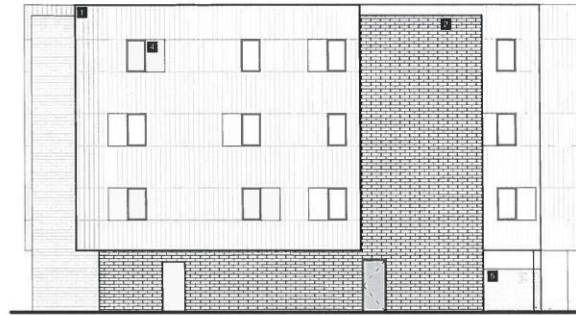
new content for review

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- ⊕ Parapet elev. 142'-9"
- ⊕ 4th flr elev. 130'-11 1/4"
- ⊕ 3rd flr elev. 120'-7 1/2"
- ⊕ 2nd flr elev. 110'-3 3/4"
- ⊕ main flr elev. 100'-0"



north elevation



south elevation

**DEVELOPMENT EXAMINATION BRANCH**

THIS PLAN IS SUBMITTED FOR APPROVAL

IN CONNECTION WITH AV17-174/04/c

SHEET # 7 OF 9

APPLICANT (SGD.) [Signature]

DEV EXAM. Michelle [Signature]

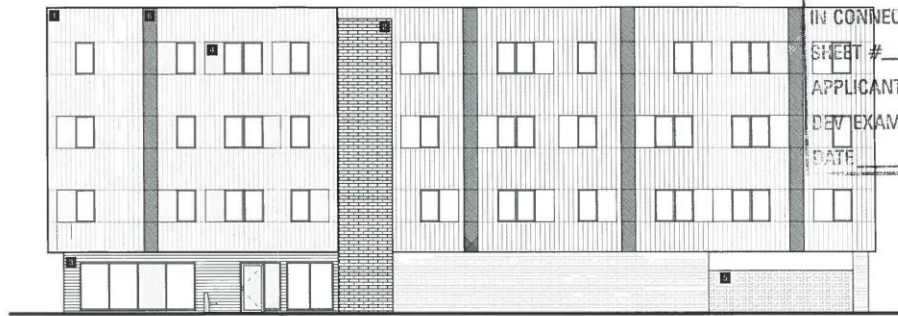
DATE NOV 08 2017

elevations

ELEVATION FINISH SCHEDULE

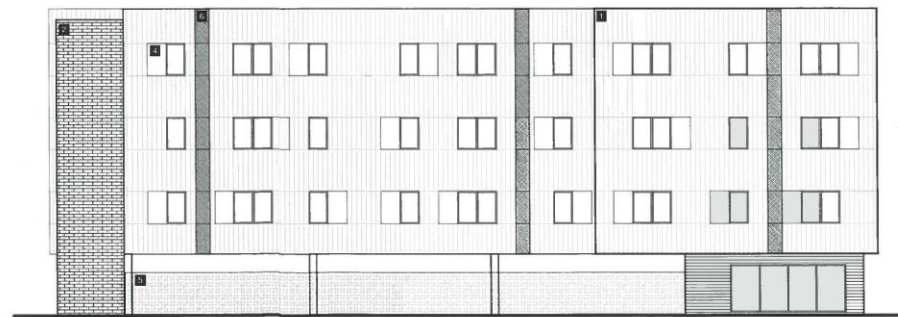
- fiber cement panels
- concrete masonry units
- ipe slats
- polished alum. panels
- metal screen enclosure
- expanded metal mesh over mechanical louver

- ⊕ Parapet elev. 142'-9"
- ⊕ 4th flr elev. 130'-11 1/4"
- ⊕ 3rd flr elev. 120'-7 1/2"
- ⊕ 2nd flr elev. 110'-3 3/4"
- ⊕ main flr elev. 100'-0"



west elevation

- ⊕ Parapet elev. 142'-9"
- ⊕ 4th flr elev. 130'-11 1/4"
- ⊕ 3rd flr elev. 120'-7 1/2"
- ⊕ 2nd flr elev. 110'-3 3/4"
- ⊕ main flr elev. 100'-0"



east elevation

1 elevations  
a.2.0 1/16" = 1'-0"

SEAL

preliminary architectural only

h5a

h5 architecture

810-A Broadway Winnipeg MB R2C 0Y5 - Canada  
1 204 774 0512 1 204 774 7092 www.h5architecture.ca

PROJECT TITLE Bannatyne Block	SCALE as noted
ADDRESS 455 Bannatyne Ave, Winnipeg MB.	DRAWN BY lh
PROJECT NO. 140616	DATE oct.11.17
CHECKED BY hr	REV. NO. 0

a.2.0

SHEET NO. rev'd. limited for review

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<b>DEVELOPMENT EXAMINATION BRANCH</b>	
THIS PLAN IS SUBMITTED FOR APPROVAL	
IN CONNECTION WITH <u>17417-174104/c</u>	
SHEET # <u>8</u>	OF <u>9</u>
APPLICANT (SGD.) <u>[Signature]</u>	
DEV EXAM. <u>[Signature]</u>	DATE <u>NOV 08 2017</u>

renders

SEAL

preliminary architectural only

**h5a**  
h5 architecture

810-A Broadway - Winnipeg, MB - R3C 0H8 - Canada  
204 774 6512 1 204 774 7262 www.h5architecture.ca

PROJECT TITLE  
Bannatyna Block

ADDRESS  
459 Bannatyna Ave, Winnipeg MB.

PROJECT NO. 140616 SCALE as noted

DRAWN BY: tn DATE: oct.11.17

CHECKED BY: tr REV. NO. 0

**a.0.0** SHEET NO.

rev'd. wanted for review

1 renders  
a.0.0 n.t.s.



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**DEVELOPMENT EXAMINATION BRANCH**

THIS PLAN IS SUBMITTED FOR APPROVAL IN CONNECTION WITH 2017-174404/c

SHEET # 9 OF 9

APPLICANT (SGD.) [Signature]

DEV EXAM. Muchall [Signature]

DATE NOV 08 2017

renders

1 renders  
a.0.0 n.t.s.

preliminary architectural only

SEAL

**h5a**  
h5 architecture

810 A Broadway - Winnipeg MB R3C 0W8 - Canada  
1.204.774.0312 1.204.774.7222 www.h5architect.ca

PROJECT TITLE: Bannatyne Block

ADDRESS: 456 Bannatyne Ave, Winnipeg MB.

PROJECT NO.: 140616 SCALE: as noted

DRAWN BY: [Signature] DATE: oct.11.17

CHECKED BY: [Signature] REV NO 0

**a.0.0** SHEET NO. 9  
rev'd. omitted for review



Exhibit “ 3 ” referred to in File DAV 174104A/2017C

To: City Clerk, City of Winnipeg  
c/o Appeal Committee  
Susan A. Thompson Building  
Main Floor, 510 Main Street  
Winnipeg MB, R3B 1B9

From: Fred Curry

Re: Appeal of Board of Adjustment Variance - 456 Bannatyne Avenue File DAV  
174104/2017C

Greetings

There are two basic areas of concern over the approval of DAV 174104/2017C by the Board of Adjustment. The first concerns misinterpretation of and misapplication of the zoning by-law for RMU. The second has to do with several safety issues that were ignored.

So, if you are inclined to approve the proposal as submitted, in addition to violating several conditions of the Zoning By-law, you will be promoting criminal activity in the building and in the surrounding neighbourhood.

**A. Zoning By-law Issues**

**A1. Dining/drinking prohibition**

In the by-law section labelled:

Part 5: Development and Design Standards  
Parking and Loading  
Calculation of Off-Street Parking Requirements

Section 165 is as follows:

**Outdoor Dining/Drinking Areas**

165. Where a restaurant or drinking establishment provides an outdoor dining/drinking area, additional accessory off-street parking is not required for that area. The creation or maintenance of an outdoor dining/drinking area is prohibited where such outdoor dining/drinking area reduces the number of accessory parking spaces below the minimum number required by Table 5-9.

Table 5.9 says:

Table 5-9.

<b>22</b>	Restaurant Drinking establishment	Without drive- through facility: 1 for each 100 square feet of floor area With drive-through facility:	YES	YES
-----------	---	--	-----	-----

1 for each 150  
square feet of floor  
area

Item 7 of the Variance is as follows:

7. 13 parking spaces instead of 41 spaces.

Therefore, according to the by-law, the patio is prohibited!

## **A2. Item 2 of the Variance**

Item 2 of the Variance in question says: 2. no front yard to the accessory outdoor dining/drinking area instead of 20 feet (6.1 metres);

The definitions of drinking and restaurant in the by-law are as follows.

**“drinking establishment”** means an establishment or portion of an establishment, licensed by the Government of Manitoba, where the principal purpose of the establishment or portion is the sale of alcoholic beverages to the public, for consumption on the premises.

**“restaurant”** means an establishment primarily engaged in the preparation of food intended to be sold to the public for consumption on or off the premises. Restaurants may be licensed by the Government of Manitoba for the sale of alcohol; however, the sale of alcohol is incidental to the sale of food.

The use of the term “drinking” in the variance may not be intended to apply to liquor in this context, given the interpretation of alcohol consumption by City staff. The definition says that the sale of alcohol is incidental, so the interpretation of this would allow alcohol drinking on the patio if the operator applies for a liquor license.

However, if you check the licensing regulations that are applied by licensing authority, a licensed dining area is allowed to have 50% of its seating devoted exclusively to drinking without eating.

Do I have to serve food in my licensed establishment?

Food service requirements differ by licence category.

Dining room licensees must offer meal service to patrons when liquor service is available and must have on-site kitchen facilities to prepare such meals. Customers may consumer liquor without meal service as long as half of the seating is available for those who wish to order meals in the dining room.

<http://lgamanitoba.ca/liquor-gaming-applications/liquor-service-licence/>

Drinking is not incidental when 50% of seating can be devoted exclusively to drinking, so a restaurant in RMU requires a DCU if it has a liquor intention, because according to the definitions, drinking is not incidental. If you ignore the definitions defect, then include in the order that no liquor license is permitted without a DCU.

Plus, the portion of the by-law pertaining to West Alex, Schedule L, says the following:

**Permitted Use Restrictions**

- (3) Notwithstanding other provisions in this By-law, in the Residential Mixed Use Area, the following uses shall be prohibited and are not allowed as permitted, conditional, accessory, or temporary uses:
- (a) The expansion of or establishment of a Single Room Occupancy;
  - (b) Drinking establishment;
  - (c) Parking, surface (as a principle use)

Given the 50% of seating devoted to drinking without eating in a restaurant, a restaurant is not permitted unless it does not have and cannot have a liquor license. If you are inclined to ignore the facts and okay this portion of the variance application, include, as a condition, that no liquor license is to be permitted.

**A3. DCU required Outdoor dining/drinking area in Table 4.2: Accessory Use Table**

According to the Accessory Use Table an Outdoor dining/drinking area in RMU requires a Conditional Use permit! If you are going to ignore the by-law's prohibition, a DCU is required. The variance item 2 violates the by-law!

**B. Safety Issues**

**B1. Possible Liquor License**

If you do not respect the facts with respect to the permission of 50% of seating for drinking only at a licensed dining area, a serious increase in crime in the immediate area is at risk. It is well documented worldwide that liquor outlets of any kind are accompanied by an increase in crime, including violence. The current neighbourhood is plagued by crime associated with the Balmoral Hotel and the Bathhouse on Notre Dame. There are also other liquor related businesses in the larger area that contribute to the crime.

All public areas may be utilised by sex and drug criminals because the public activity provides cover for their business. They don't usually use their personal address for storage or activity. They rent premises in their business area. Housing and apartments in the area are well known to be occupied by sex and drug criminals, including public housing buildings.

Some of the prostitutes in this area use the school activity as a cover. A couple of years back, a bunch of young prostitutes living in proximity to Hugh John were using the coming and going of students etc., as cover for business. When clean up is performed every spring in the surrounding area, there are always lots of needles and condoms around.

Failure to recognise the 50% drinking seating will allow a liquor license without a public hearing, and failure to respect the zoning by-law's requirement for a DCU for outdoor dining/drinking will allow this too. Plus, it is also quite likely that the

prohibition of drinking establishments in the West Alex Plan is included because of the risk of crime associated with such uses.

## **B2. Possible patio that is NOT highly visible**

The patio will offer cover for sex and drugs, even if there is no liquor license associated with it. The report mentions that the Secondary Plan encourages outdoor seating gathering areas, but the qualifier that is ignored is that they are to be highly visible. If this proposed patio were to be located on Notre Dame, Isabel, or William, it would be highly visible. While that visibility might provide some reduction in criminal activity, it wouldn't necessarily eliminate it. However, this corner is not that visible because traffic is limited.

## **B3. CPTED**

CPTED is mentioned in the Secondary Plan. Public versus communal and/or personal privacy is a key element of CPTED. One of the main foci of CPTED is to create and promote a sense of personal and community ownership. There are physical aspects of the buildings that can enhance this. Having a dining area available to residents would fit into those aspects but a public eating area will violate it by promoting access to the building space by non residents. A liquor licensed public eating area will increase this violation and reduce the sense of community and/or personal ownership. This will reduce the attractiveness of the building for people who are merely looking for a place to live, but it will enhance it for people looking for a place in the area in which to do business. Avoiding this kind of use by promoting occupancy is also a goal of CPTED.

Reduction in publicly usable space and improvement of visibility of existing public space is key to CPTED. CPTED recommends as few units as possible per entrance. The ideal is one unit per entrance. This reduces the amount of space devoted to hallways. It also reduces the amount of shared access by stairs. All entrances are to be designed so that they are visible by windows in dwelling units. Access to and from stairwells is to be visible in the same way. Hallway space is to be visible in the same way. The current building design lacks this. One way of protecting the stairwells is to have them on the edge of the building with windows for their entire ascent and descent, and lit during all dark hours. The current building design lacks this too.

So, in addition to the hazard caused by a restaurant, which hazard will be enhanced by a patio, and further enhanced by a liquor license, the design of the residential portion of the building will add to the crime risk.

Some people seem to think that security cameras will prevent this. They don't. Criminals commit crimes in places with cameras. Even when they are caught by a camera, the identification of the perpetrator is uncertain. Prostitutes and drug dealers use washrooms to do business. Cameras are not allowed in these.

So, as I said in the opening paragraph, if you are inclined to approve the proposal as submitted, in addition to violating several conditions of the Zoning By-law, you will be promoting criminal activity in the building and in the surrounding neighbourhood.

Fred Curry  
20/12/17

Exhibit “ 2 ” referred to in File DAV 174104A/2017C

CITY CLERKS 4PG \*17 DEC 20 10:56

December 20, 2017

City Clerk for Board of Adjustment  
Winnipeg City Hall  
510 Main Street  
Winnipeg, MB R3B 1B9

**Re:** DAV 17-174104/C, 456 Bannatyne Avenue      **Order Date:** Dec. 1, 2017

**From:** Catherine Collins, President, West Alexander Residents Association Inc.,

We wish to appeal the decision of the Board of Adjustment made on November 30, 2017 in regard to 456 Bannatyne.

Their criteria for application approval looks at the following:

- a) Variance/Conditional Use application may be approved or approved subject to conditions provided that it meets the statutory criteria prescribed under section 247(3) of The City of Winnipeg Charter in that it:
- b) it 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
- c) it 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.

Further, in the City of Winnipeg Act, Section 5(1) states that the purpose of the city is

- (a) to provide good government for the city;
- (b) to provide services, facilities or other things that council considers to be necessary or desirable for all or part of the city;
- (c) to develop and maintain safe, orderly, viable and sustainable communities; and
- (d) to promote and maintain the health, safety, and welfare of the inhabitants.

As I have stated in the attached letter, two aspects of this Variance are contrary to the safety of inhabitants of our neighbourhood: the commercial use for a restaurant and the patios on

Page 2

Bannatyne Avenue and Harriet Street. In our opinion, these parts of the application are not compatible with the surrounding area and we would ask that they be denied on the basis of being unsafe and creating an adverse effect on the surrounding area.

Sincerely,

A handwritten signature in cursive script that reads "Catherine Collins".

Catherine Collins, President, West Alexander Residents Association Inc.

Board of Adjustment  
Winnipeg City Hall  
510 Main Street  
Winnipeg, MB R3B 1B9

Re: DAV 17-174104/C, 456 Bannatyne Avenue In Opposition

Date: Nov. 29, 2017

From: Catherine Collins, President, McDermot Sherbrook Residents Association Inc. ,

I am here on behalf of the members of the West Alexander Residents Association Inc. Our organization was founded in November 2006. Chief among our concerns is to safeguard the community for its residents. A number of our members including myself, Fred Curry and Harold Martinos, were involved in the creating the Secondary Plan for Centennial/West Alexander.

We worked with Mr. Teixeira several years ago when he developed a proposal for housing at the 454/456 Bannatyne site but this did not proceed because of lack of funding. His proposal at the time was only for housing. We met with him a number of times and even went to support his presentation to the Province.

I want to state that we support adding housing to our neighbourhood if it is safe and well maintained. However, we are in opposition to this application on the basis of safety concerns.

I will give you some of the context for this. It is based on living at a location one block from 456 Bannatyne for 30 years.

From a residential standpoint, there are a number of adverse businesses in the immediate area. The first is the vendor at the Balmoral Hotel that results in ready access to liquor up to 2 a.m. at night seven days a week. There is the Aquarius Bath house on Notre Dame that brings many people to the area, also seven days a week, and their garbage that includes needles, condoms, and booze bottles. These things end up in the vacant lot at 55 Harriet, a lot with a boundary 20 feet from the rear of my property. The bathhouse is also used by prostitutes. The vacant lot at 55 Isabel is a site for drinking, sleeping, drug use and dumping. We have tolerated this for the past 20 years. Condoms and needles accumulate and children are exposed to this. At Notre Dame and Isabel, there is a large poorly maintained rooming house known locally as Murder Mansion.

There has been more crime lately in the area. Last July I had a break in during the night. My garden shed has been ripped open twice this year and things stolen. Cars from the bath house customers are broken into for valuables and things are dumped at 55 Harriet and in my backyard including clothing, sex toys and personal documents.



I canvassed the residents living around the site of the proposed building as well as the Bakery across the street. Everyone I spoke to shared the same concerns for safety based on two aspects of the design: the patios on Bannatyne and Harriet and the restaurant. No one who I spoke to envisioned using the restaurant.

In regard to the patios there is a concern that people who do not live in the building will use these patios for drinking, partying, sex, drug use and meeting places for pick-ups. It will be worse at night.

Secondly, we cannot see how bringing a restaurant into the interior of a primarily residential area will help with neighbourhood safety. Restaurants and their washrooms can provide cover for other things like drug use, selling stolen goods and sex.

At the start, it will have no license to sell liquor but there is no guarantee that this will not change to make the business sustainable. However, this application can set the stage to create a serious adverse situation in the future.

All around the world, studies in crime statistics point to a direct link to increases in crime and violence when alcohol is sold in close proximity to a site. Crown Prosecutor Basil Johnson observed in his 2016 book *Firewater: How Alcohol is Killing my People (and Yours)* that based on his experience in law "the vast majority of people charged with offences were intoxicated at the time they committed the offence."

Even an ordinary restaurant in our neighbourhood can have a negative effect. An example is the new Tim Hortons on Isabel that is now a site for drug sales and shooting up in the washroom. The police can verify this. The staff from the Central Neighbourhood Development Corporation used to pick up needles daily in the lane behind it.

For those of you not familiar with the site on Bannatyne Avenue, the proposed restaurant and the buildings patios will be located within one block of two daycare centres and one block from Victoria Albert School. It will share a boundary with Ka Ni Kanichihk which is a centre for counselling, health, culturally-based activities and employment training for indigenous people and especially youth. We need to protect our young people.

A Variance/Conditional Use application may be approved or approved subject to conditions provided that it meets the statutory criteria prescribed under section 247(3) of The City of Winnipeg Charter in that it:

b) it 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

c) it 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.

Further, in the City of Winnipeg Act, Section 5(1) states that the purpose of the city is

(a) to provide good government for the city;

(b) to provide services, facilities or other things that council considers to be necessary or desirable for all or part of the city;

(c) to develop and maintain safe, orderly, viable and sustainable communities; and

(d) to promote and maintain the health, safety, and welfare of the inhabitants.

On the basis of safety and adverse effects, the design for this building poses a safety risk. The patios areas need to be redesigned for safety of the residents and the neighbourhood and some other purpose needs to be found for the space called the restaurant, for example a daycare, seniors centre, training centre, etc.

In conclusion, I would ask that these two aspects of the application be declined. We are prepared to meet with Mr. Teixeira and H5 Architecture to work together with our resident group on a housing proposal that is good for the area. I hope that Ka Ni Kanichihk would join with us on this.

Thank you.

*Catherine Collins*



---

**THE CITY OF WINNIPEG  
VARIANCE ORDER  
BOARD OF ADJUSTMENT**

**DAV 174104/2017C**

**Before:** Board of Adjustment  
Ken Desrochers, Chairperson  
Steve Demmings  
Vanessa Mulhern

**Hearing:** November 29, 2017  
Council Building, 510 Main Street

**Applicant:** H5 Architecture  
(Helio Rodrigues)

**Premises Affected:** 456 Bannatyne Avenue

**Legal Description:** LOT 69 PLAN 32423 6/7 ST  
LOT 68 PLAN 32423 6/7 ST J TOG WITH ROW FOR ALL  
PURPOSES & AS APPURT TO  
LOT 68 OVER & UPON LOTS 65 & 67 SAID PL, hereinafter  
called “the land”

**Property Zoned:** RMU PDO-1 West Alexander Centennial – Residential Mixed Use  
Planned Development Overlay-1 West Alexander Centennial  
District

**Nature of Application:** To vary the "RMU PDO-1 West Alexander Centennial" District  
Dimensional Standards of Zoning By-Law No. 200/2006 for the  
construction of a residential and commercial building (having a  
multi-family dwelling and restaurant) to permit:

1. a front yard of 10 feet (3.05 metres) to the building instead of 20 feet (6.1 metres);
2. no front yard to the accessory outdoor dining/drinking area instead of 20 feet (6.1 metres);
3. a west corner side yard of 10 feet (3.05 metres) instead of 20 feet (6.1 metres);
4. a rear yard of 6.7 feet (2.04 metres) to the building instead of 25 feet (7.62 metres);
5. no rear yard to the garbage enclosure instead of 25 feet (7.62 metres);
6. a lot area per dwelling unit of 506 square feet (47 square metres) instead of 1,000 square feet (92.9 square metres);
7. 13 parking spaces instead of 41 spaces.

It is the opinion of the Board of Adjustment that subject to conditions listed below, if any, this Variance meets the statutory criteria as outlined in 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;
- (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:

1. The Board of Adjustment agreed with the administrative comments contained in the report of the Urban Planning Division dated November 15, 2017.
2. They are focused on a market of students from the Red River Community College and the Health Sciences. We are looking at a younger tenant pool, potentially. I do find the comments of the Architect to be intriguing, in terms of putting more feet and eyes on the street. That is some of the same premises that are happening right now in terms of Portage and Main. In terms of security, it is well versed with someone on camera and on-

site. These are actually good things to see happening in the area. There will be potentially be 26 more people in the area, this is in keeping and is fit for the area.

ORDER:

The Board of Adjustment orders that the provisions of the “RMU PDO-1 West Alexander Centennial” District Dimensional Standards of the Winnipeg Zoning By-law No. 200/2006 are varied on “the land” for the construction of a residential and commercial building (having a multi-family dwelling and restaurant) to permit:

1. a front yard of 10 feet (3.05 metres) to the building;
2. no front yard to the accessory outdoor dining/drinking area;
3. a west corner side yard of 10 feet (3.05 metres);
4. a rear yard of 6.7 feet (2.04 metres) to the building;
5. no rear yard to the garbage enclosure;
6. a lot area per dwelling unit of 506 square feet (47 square metres);
7. 13 parking spaces.

Subject to the following condition(s), which the Board of Adjustment considers necessary to ensure compliance with criteria (a) to (d) above, namely:

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.
2. That final plans showing the location and design of buildings, including building elevations, site plans, floor plans, garbage enclosures, fencing and accessory parking area shall be submitted to the Lord Selkirk – West Kildonan Community Committee and the Director of Planning, Property and Development for plan approval prior to the issuance of any development or building permits; or that the development shall be built in substantial conformance with the plans submitted and attached hereto and identified as Exhibit 6, Sheets 1 to 9 of File No. DAV 174104/2017C, dated November 8, 2017.

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

DATE OF ORDER: December 1, 2017

CERTIFIED BY:



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V. Hutter  
Secretary to the Board

HOW TO APPEAL

If you object to this Order, you are entitled to file a notice of appeal. Your notice of appeal must:

- (a) be in writing;
- (b) contain your name, mailing address and phone number;
- (c) be addressed as set out below;
- (d) be received at that office not later than 4:30 p.m. on December 20, 2017;  
**[IF RECEIVED LATE YOUR APPEAL CANNOT BE HEARD.]**
- (e) refer to Variance Order No. DAV 174104/2017C; and
- (f) provide the reason(s) for the appeal

The City Clerk may not schedule an appeal hearing until your notice of appeal meets the above requirements.

Address: City Clerk, City of Winnipeg  
c/o Appeal Committee  
Susan A. Thompson 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:

Helio Rodrigues  
Councillor Pagtakhan  
Tony Tixeira

In Opposition:

Catherine Collins  
Fred Curry  
H. Martinos

For Information:

Nil

For the City:

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

S. Jerez, Planner, Planning, Property and Development Department