Agenda - Executive Policy Committee – March 16, 2011

Report - Standing Policy Committee on Property and Development – March 10, 2011

Item No. 7 Rezoning – 262 Gwendoline Street
(Point Douglas Ward)
File DAZ 224/2010

STANDING COMMITTEE RECOMMENDATION:

On March 10, 2011, the Standing Policy Committee on Property and Development concurred in the recommendation of the Lord Selkirk-West Kildonan Community Committee and submits the following to Council:

1. That The Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the planned area, as shown on Schedule "A" for File DAZ 224/2010 dated January 18, 2010, to a "C2" Commercial Community District subject to the following:

    A. That the applicant enter into a Zoning Agreement with the City of Winnipeg pursuant to Subsection 240(1) of The City of Winnipeg Charter to provide for the following:

        i. That the following uses shall be conditional uses in the planned area:

            a. social service facility
            b. college or university
            c. commercial school
            d. place of worship
            e. amusement enterprise, indoor
            f. auditorium/concert hall/theatre/cinema
            g. studio, radio/tv/motion picture broadcast and production
            h. hostel
            i. hotel or motel
            j. drinking establishment
            k. landscape or garden supplies
            l. supermarket
            m. auto/light truck/motorcycle, repair and service
            n. auto/light truck/motorcycle, sales and rental
            o. auto parts and supplies, sales
            p. drive-in or drive-through
            q. fuel sales
            r. parking, structured
            s. contractor's establishment
            t. recycling collection centre

Report - Standing Policy Committee on Property and Development – March 10, 2011

ii. That for the development of any building, accessory parking area, private approach, garbage enclosure, fencing, landscaping or signage in the planned area, plans, showing the locations and designs of any building, accessory parking area, private approach, garbage enclosure, fencing, landscaping and signage, must be submitted to the Director of Planning, Property and Development for approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.

iii. That there shall be no advertising signs, mobile signs, poster signs or A-frame signs in the planned area, except that a mobile sign shall be permitted on said lot for a period of thirty (30) days in association with a new occupancy permit.

iv. That illuminated signage in the planned area shall be no higher than six (6) feet and shall be off (not illuminated) from eight (8) p.m. to seven (7) a.m.

2. That a ten percent (10%) dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in market value of the land.

3. That, in the event the application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twenty-four (24) month period and the extension is subsequently approved by Council.

4. That the Director of Legal Services and City Solicitor be requested to prepare the necessary rezoning by-law and forward same to Council for all three (3) readings.

5. That the zoning section of the by-law comes into force when the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the planned areas, provided that the said effective date occurs within one year from the date by-law is passed.

6. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

Agenda - Executive Policy Committee – March 16, 2011

Report - Standing Policy Committee on Property and Development – March 10, 2011

7. That the Director of Legal Services and City Solicitor be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

Agenda - Executive Policy Committee – March 16, 2011

Report - Standing Policy Committee on Property and Development – March 10, 2011

DECISION MAKING HISTORY:

STANDING COMMITTEE RECOMMENDATION:

On March 10, 2011, the Standing Policy Committee on Property and Development concurred in the recommendation of the Lord Selkirk-West Kildonan Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On February 8, 2011, the Lord Selkirk - West Kildonan Community Committee did not concur in the recommendation of the Winnipeg Public Service and recommended to the Standing Policy Committee on Property and Development:

1. That The Winnipeg Zoning By-law No. 200/06 be amended by rezoning the planned area, as shown on Schedule "A" for File DAZ 224/2010 dated January 18, 2010, to a "C2" Commercial Community District subject to the following:

    A. That the applicant enter into a Zoning Agreement with the City of Winnipeg pursuant to Subsection 240(1) of The City of Winnipeg Charter to provide for the following:

        i. That the following uses shall be conditional uses in the planned area:

            a. social service facility
            b. college or university
            c. commercial school
            d. place of worship
            e. amusement enterprise, indoor
            f. auditorium/concert hall/theatre/cinema
            g. studio, radio/tv/motion picture broadcast and production
            h. hostel
            i. hotel or motel
            j. drinking establishment
            k. landscape or garden supplies
            l. supermarket
            m. auto/light truck/motorcycle, repair and service
            n. auto/light truck/motorcycle, sales and rental

Report - Standing Policy Committee on Property and Development – March 10, 2011

DECISION MAKING HISTORY: (continued)

COMMUNITY COMMITTEE RECOMMENDATION: (continued)

o. auto parts and supplies, sales
p. drive-in or drive-through
q. fuel sales
r. parking, structured
s. contractor's establishment
t. recycling collection centre

ii. That, for the development of any building, accessory parking area, private approach, garbage enclosure, fencing, landscaping or signage in the planned area, plans, showing the locations and designs of any building, accessory parking area, private approach, garbage enclosure, fencing, landscaping and signage, must be submitted to the Director of Planning, Property and Development for approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.

iii. That there shall be no advertising signs, mobile signs, poster signs or A-frame signs in the planned area, except that a mobile sign shall be permitted on said lot for a period of thirty (30) days in association with a new occupancy permit.

iv. That illuminated signage in the planned area shall be no higher than six (6) feet and shall be off (not illuminated) from eight (8) p.m. to seven (7) a.m.

2. That a ten percent (10%) dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in market value of the land.

3. That, in the event the application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twenty-four (24) month period and the extension is subsequently approved by Council.

4. That the Director of Legal Services and City Solicitor be requested to prepare the necessary rezoning by-law and forward same to Council for all three (3) readings.

Report - Standing Policy Committee on Property and Development – March 10, 2011

DECISION MAKING HISTORY: (continued)

COMMUNITY COMMITTEE RECOMMENDATION: (continued)

5. That the zoning section of the by-law comes into force when the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the planned areas, provided that the said effective date occurs within one year from the date by-law is passed.

6. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

7. That the Director of Legal Services and City Solicitor be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter,

and forwarded the matter to the Standing Policy Committee on Property and Development.

RE: **Rezoning – 262 Gwendoline Street**
File DAZ 224/2010

For submission to: **The Standing Policy Committee on Property and Development**

Prepared by: **Inga Skundberg, Committee Clerk**
Lord Selkirk - West Kildonan Community Committee

Report date: **February 9, 2011**

COMMUNITY COMMITTEE RECOMMENDATION:

On February 8, 2011, the Lord Selkirk - West Kildonan Community Committee did not concur in the recommendation of the Winnipeg Public Service and recommends to the Standing Policy Committee on Property and Development:

1. That The Winnipeg Zoning By-law No. 200/06 be amended by rezoning the planned area, as shown on Schedule "A" for File DAZ 224/2010 dated January 18, 2010, to a "C2" Commercial Community District subject to the following:

A. That the applicant enter into a Zoning Agreement with the City of Winnipeg pursuant to Subsection 240(1) of The City of Winnipeg Charter to provide for the following:

i. That the following uses shall be conditional uses in the planned area:

a. social service facility
b. college or university
c. commercial school
d. place of worship
e. amusement enterprise, indoor
f. auditorium/concert hall/theatre/cinema
g. studio, radio/tv/motion picture broadcast and production
h. hostel
i. hotel or motel
j. drinking establishment
k. landscape or garden supplies
l. supermarket
m. auto/light truck/motorcycle, repair and service
n. auto/light truck/motorcycle, sales and rental
o. auto parts and supplies, sales
p. drive-in or drive-through
q. fuel sales
r. parking, structured
s. contractor's establishment

t. recycling collection centre

ii. That, for the development of any building, accessory parking area, private approach, garbage enclosure, fencing, landscaping or signage in the planned area, plans, showing the locations and designs of any building, accessory parking area, private approach, garbage enclosure, fencing, landscaping and signage, must be submitted to the Director of Planning, Property and Development for approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.

iii. That there shall be no advertising signs, mobile signs, poster signs or A-frame signs in the planned area, except that a mobile sign shall be permitted on said lot for a period of thirty (30) days in association with a new occupancy permit.

iv. That illuminated signage in the planned area shall be no higher than six (6) feet and shall be off (not illuminated) from eight (8) p.m. to seven (7) a.m.

2. That a ten percent (10%) dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in market value of the land.

3. That, in the event the application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twenty-four (24) month period and the extension is subsequently approved by Council.

4. That the Director of Legal Services and City Solicitor be requested to prepare the necessary rezoning by-law and forward same to Council for all three (3) readings.

5. That the zoning section of the by-law comes into force when the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the planned areas, provided that the said effective date occurs within one year from the date by-law is passed.

6. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

7. That the Director of Legal Services and City Solicitor be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

Note: The wording in bold and italics denotes amendments made by the Community Committee.

The Lord Selkirk - West Kildonan Community Committee provided the following supporting reasons for its recommendation:

1. The applicant has established a long service business in the neighbourhood.

2. There is a strong residents association in the area and there is no objection registered to the subject application.

PUBLIC HEARING SUMMARY

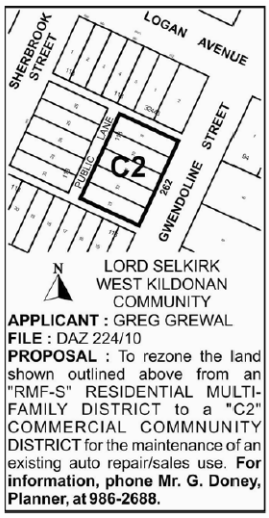
File: DAZ 224/2010

Before: Lord Selkirk - West Kildonan Community Committee
Councillor Pagtakhan, Chairperson
Councillor Eadie
Councillor Sharma

Public Hearing: February 8, 2011
North Committee Room
Council Building, 510 Main Street

Applicant: Greg Grewal

Subject:



Premises Affected: 262 Gwendoline Street

Exhibits Filed:

1. Application dated December 1, 2010
2. Notification of Public Hearing dated December 8, 2010
3. Title Search 1662308
4. Letter of authorization dated September 28, 2010 from Ilia Bainov, Alias Autobody Limited, to Greg Grewal
5. Surveyor's Building Location Certificate and sketch dated January 2, 2005
6. Report from the Planning and Land Use Division dated January 17, 2011
7. Inspection Report
8. Photograph submitted by Greg Grewal at the public hearing
9. Audio Recording of representations

REPRESENTATIONS:

In Support:

Ilia Bainov
Greg Grewal

In Opposition:

Nil

For Information:

Nil

For the City:

Mr. G. Doney, Senior Planner, Planning, Property and Development Department

Exhibit "6" referred to in File DAZ 224/2010

ADMINISTRATIVE REPORT

Title: Rezoning Application File DAZ 224/10, 262 Gwendoline St.

Issue: The proposal is to rezone the planned area from "RMF-S" District to "C2" District, with no change to the existing PDO 1 West Alexander and Centennial Overlay District, to accommodate existing auto and light truck sales, repair and service uses

Critical Path: Lord Selkirk – West Kildonan Community Committee → Standing Policy Committee on Property and Development (only if opposition or if recommendation differs from the report of the Public Service) → Executive Policy Committee → Council

AUTHORIZATION

Author	Department Head	CFO	CAO
Patti Regan	n/a	n/a	n/a

RECOMMENDATIONS

That the application to rezone the planned area to "C2" Commercial Community District, under File DAZ 224/10, be rejected.

REASON FOR THE REPORT

This report is for consideration of the application to rezone 262 Gwendonline Street to accommodate existing auto and light truck sales, repair and service uses.

The Winnipeg Public Service recommends rejection because the proposed rezoning to "C2" Commercial Community District and the continuation of the existing uses are inconsistent with the West Alexander and Centennial Neighbourhood Plan and are not compatible with the neighbourhood.

IMPLICATIONS OF THE RECOMMENDATIONS

If the application is rejected, the existing auto and light truck repair and service uses can continue to operate in accordance the Board of Adjustment's decision of June 18, 2003 (and stated in the following section). However, the variance allowing the automobile sales use to continue expired in 2008 and, therefore, that use would not be allowed to continue.

HISTORY

On June 18, 2003 the Board of Adjustment concurred in part in the recommendation of the public service and approved a variance to allow:

1. a change of use for a period not to exceed five (5) years to permit the establishment of an "automobile: rental sales" use in conjunction with an existing "automobile: repair, service" facility (auto body repair shop);
2. the expansion of existing accessory vehicle storage compound and the establishment of an accessory vehicle display area having as follows:
    a. no front yard;
    b. no south side yard;
    c. a fence height of 6 feet (1.83 metres)

    subject to several conditions, including:
    1. That only a chain link fence having a height of six (6) feet shall be permitted around the accessory parking and sale/rental areas.
    2. That auto repairs and painting shall be conducted wholly within the building.
    3. That a maximum of five (5) vehicles undergoing auto bodywork shall be allowed to be parked/stored to the rear of the chain link fenced accessory parking and sales/rental areas and limited to the parking area for "small and medium cars" in accordance with the revised plan shown as Exhibit 19 for file DAV309028/2003C and attached to the Order.
    4. That a wood or metal clad garbage enclosure shall be constructed on site by September 30, 2003 in accordance with the plan shown as Exhibit 20 for file DAV309028/2003C, and attached to the Order, and shall be thereafter maintained to the satisfaction of The Director of Planning Property and Development.

History of the planned area prior to 2003 is in Attachment 2 of this report.

CONSULTATION

Consultation with other departments was not needed to prepare this report.

SUBMITTED BY

Department: Planning, Property and Development
Division: Planning and Land Use
Prepared by: J. Glen Doney
Date: January 17, 2011
File No. DAZ 224/10

Attachments and Schedules

Attachment 1 – Planning Discussion
Attachment 2 – History Prior to 2003
Schedule “A” – Proposed Rezoning
Schedule “B” – Report of the Administrative Coordinating Group

Attachment 1 – Planning Discussion

DATE	January 17, 2011
FILE	DAZ 224/10
RELATED FILE	DAV 03-309028C
COMMUNITY	Lord Selkirk – West Kildonan
NEIGHBOURHOOD #	3.102
SUBJECT	proposed rezoning to "C2" Commercial Community District, with existing PDO 1 West Alexander and Centennial Overlay District remaining, to accommodate existing auto and light truck sales, repair and service uses
LOCATION	262 Gwendoline Street
LEGAL DESCRIPTION	Lots 9 to 13, Block 6, Plan 118
APPLICANT	Greg Grewal 360 McMillan Avenue, Winnipeg
OWNER	Alias Autobody Limited



RECOMMENDATION	Rejection

THE PLANNED AREA (THE SITE)

The planned area (the site) is:

- in the Centennial Neighbourhood and the Point Douglas Ward;
- between Logan and Alexander Avenue and across Gwendoline Street from Dufferin Park; and
- approximately 11,700 square feet and 130 feet wide.

The following image identifies existing land uses on 2009 aerial photography. It shows that the uses of the planned area are “auto and light truck sales, repair and service” and that the planned area is near the uses of park (Dufferin Park), light manufacturing, retail sales, personal services, equipment repair, auto and light truck parts, fleet services, an office with a dwelling unit, warehouses, a single-room occupancy, undeveloped land, single- and two-family dwellings, a vacant building and auto and light truck repair and services.

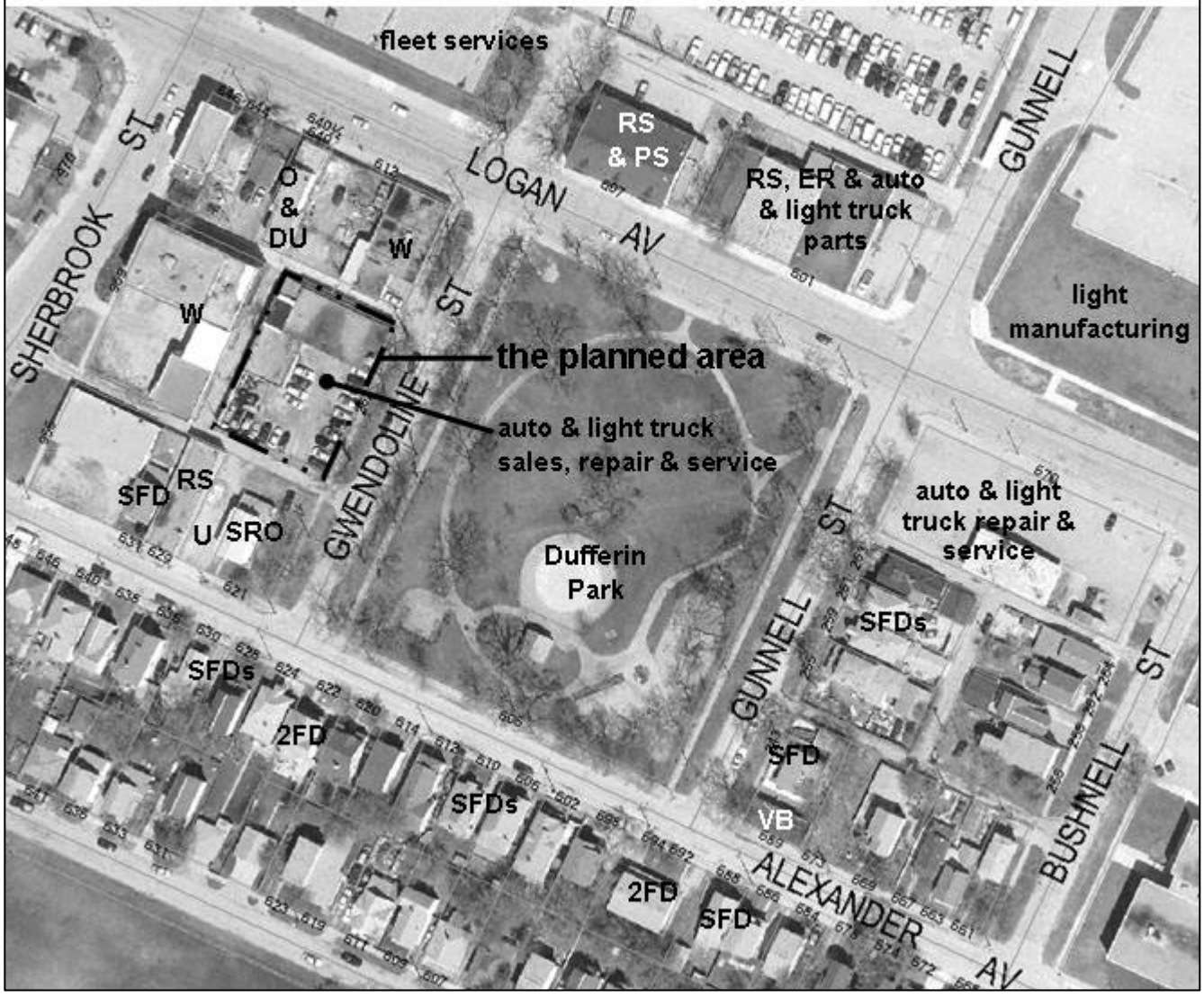
The following photographs of the planned area, which were taken last autumn, show that:

- a chain link fence with barbed wire on top extends alongside the eastern and southern limits of the planned area;
- the parking and vehicle storage and display area in the planned area is not paved and is used for vehicle repairs or service; and
- the garbage/recycling bin in the planned area is not enclosed.

Existing Land Uses and 2009 Aerial Photography

RS = retail sales, PS = personal services, ER = equipment repair, SFD = single-family dwelling, VB = vacant bldg., 2FD = two-family dwelling, SRO = single-room occupancy, U = undeveloped, O = office, DU = dwelling unit & W = warehouse

January 19, 2011



Looking Northwest at the Planned Area

Autumn 2010



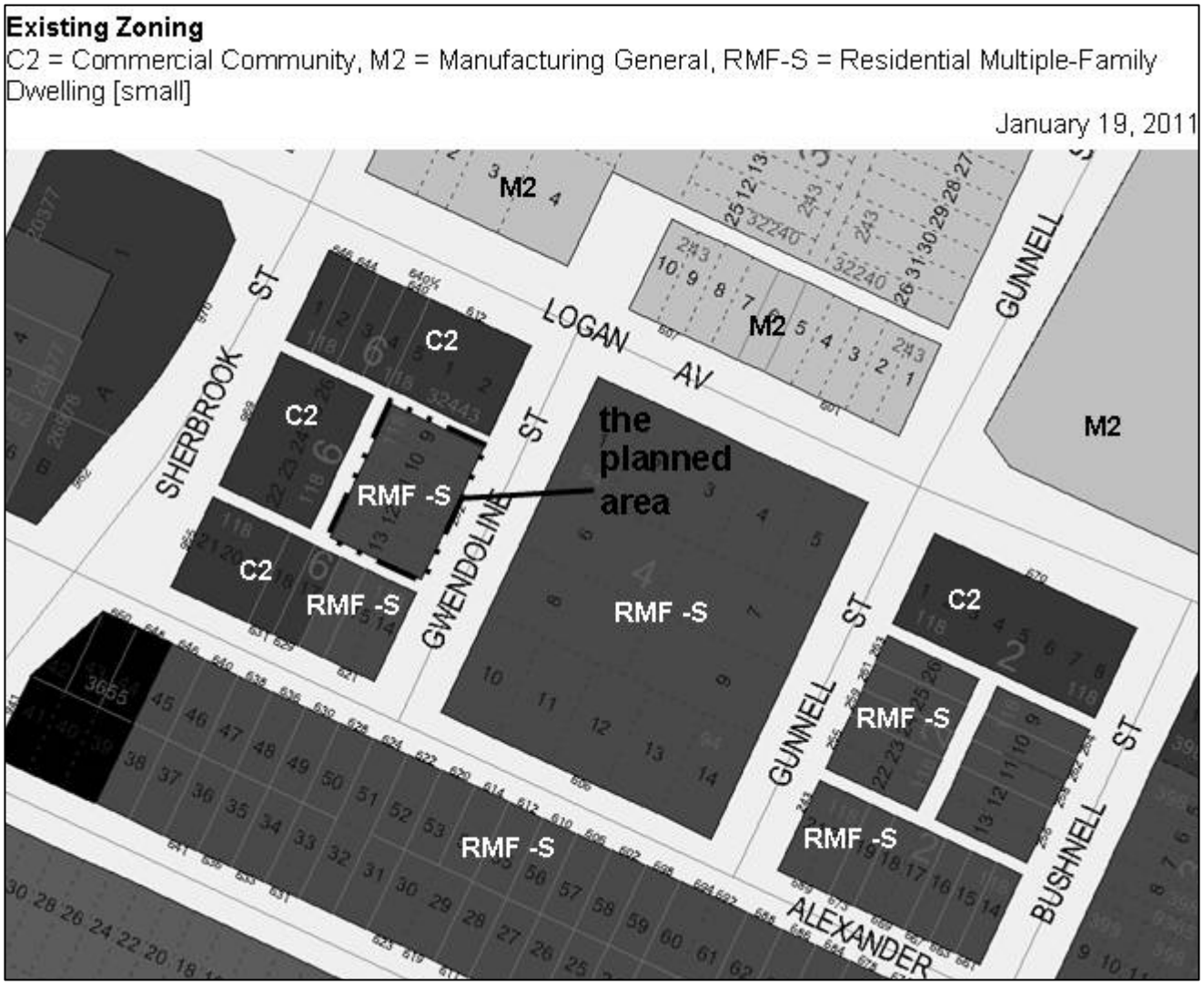
Looking North at the Planned Area

Autumn 2010



The following image identifies existing zoning. It shows that the planned area is in an “RMF-S” Residential Multiple-Family Dwelling [small] District and is near other “RMF-S” Districts, “C2” Commercial Community Districts and “M2” Manufacturing General Districts. The planned area is also in the commercial area of the PDO 1 West Alexander and Centennial Overlay District.

The planned area is in a Commercial policy area of the West Alexander and Centennial Neighbourhood secondary plan and a Neighbourhood policy area of Plan Winnipeg.



THE PROPOSAL

The proposal is to rezone the planned area from “RMF-S” District to “C2” District, with no change to the existing PDO 1 West Alexander and Centennial Overlay District, to accommodate the existing auto and light truck sales, repair and service uses

ANALYSIS AND ISSUES

Plan Winnipeg Compliance

Policy 3A-01, Promote Orderly Development, of *Plan Winnipeg 2020 Vision* states:

> The City shall promote orderly development through land use designations on Policy Plate A by… considering the Neighbourhood designation to signify areas of local identity with mutually supportive uses generally including a residential mix together with a variety of… commercial, and possibly industrial uses, at a scale and density compatible with each other

Given the proximity of Dufferin Park and residential uses to the planned area, uses oriented to the motor vehicle (such as the current uses of the planned area) and the proposed rezoning to "C2" Commercial Community District, which is discussed in the subsection *Zoning By-law 200/2006* of this attachment, are not appropriate in the planned area.

Secondary Plan Compliance

The general intention for the commercial policy areas is to encourage commercial businesses that positively contribute to the community by supporting pedestrian friendly neighbourhoods, but also providing opportunities for auto-oriented developments along parts of McPhillips and Logan Avenues.

Given that the existing uses are not of a pedestrian nature and that the planned area is not along Logan or McPhillips Avenue, the existing uses and the proposed rezoning to "C2" District, which is discussed in the subsection *Zoning By-law 200/2006*of this attachment, are inconsistent with the secondary plan's general intention for its commercial policy areas.

Compatibility with the Neighbourhood

The existing planned area uses and the proposed rezoning are incompatible with the neighbourhood because of the proximity of a park and residential uses to the planned area.

Zoning By-law 200/2006

The table on the next page shows uses that are permitted and uses that are conditional in the "C2" District. Uses that are conditional are not allowed without being approved under the conditional use process, which includes holding a public hearing. There is no hearing for uses that are permitted.

Some of the uses that are permitted in the "C2" District, such as drinking establishment, landscape or garden supplies, auto/light truck/motorcycle repair and service, auto/light truck/motorcycle sales and rental, auto parts and supplies – sales, drive-in or drive-through, fuel sales and structured parking, are not appropriate for the planned area, given the proximity of a park and residential uses. Therefore, the proposed rezoning of the planned area to "C2" District is not compatible with the neighbourhood.

principal use in the C2 District	P = permitted, C = conditional, * = use specific standard
dwelling, live-work	C*
dwelling, multi-family	C
dwelling, single-family detached	C
dwelling, two-family	C
assisted living facility	P
care home	P*
neighbourhood rehabilitation home	P*
single room occupancy	P*
community/recreation centre	P
library	P
post office/carrier depot	P
protection and emergency services	P
social service facility	P
college or university	P
commercial school	P
boat dock, public access	C
community gardens	P
park/plaza/square/playground/playground	P
day care centre	P*
hospital	C*
place of worship	P*
cultural centre	C
gallery/museum	P
amusement enterprise, indoor	P*
auditorium/concert hall/theatre/cinema	P*
hall rental	C
private club, not licensed	C*
studio, radio/tv/motion picture broadcast and production	P
amusement enterprise, outdoor	C
hostel	P
hotel or motel	P
animal hospital or veterinary clinic	P
kennel	P*
drinking establishment	P*
restaurant	P*
office	P
personal services (unless otherwise listed)	P*
body modification establishment	C
cheque-cashing facility	C*
funeral chapel or mortuary	C
medical/dental/optical/ counselling clinic	P
retail sales	P*
auction room	C
landscape or garden supplies	P
supermarket	P*
pawnshop	C*
x-rated store	C*
advertising sign	C
auto/light truck/motorcycle, repair and service	P*
auto/light truck/motorcycle, sales and rental	P*
auto parts and supplies, sales	P
car wash	C
drive-in or drive-through	P*
fuel sales	P*
parking, structured	P
parking, surface	C
bus depot	C
commercial marina	C
transit station	C
utility facility, minor	P*
contractor's establishment	P
fleet services	C

recycling collection centre	P

Site Design

The planned area's appearance is not appropriate because of the proximity of residential uses and Dufferin Park and does not comply with the Board of Adjustment's June 18, 2003, conditions of approval of the variance application to allow the current uses in the planned area, because:

- a chain link fence with barbed wire on top extends alongside the eastern and southern limits of the planned area;
- the parking and vehicle storage and display area in the planned area is not paved and is used for vehicle repairs or service; and
- the garbage/recycling bin in the planned area is not enclosed.

REASONS FOR THE RECOMMENDATIONS

The Planning and Land Use Division recommends rejection of the rezoning application because it is not consistent with the secondary plan and would allow uses that are incompatible with the neighbourhood.

This Report Submitted by:
Planning, Property and Development Department
Planning and Land Use Division
Report Prepared by: J. Glen Doney
PPD File DAZ 224/10

Attachment 2 – History Prior to 2003

1. DAV 442/69 for the conversion and use of an existing non-conforming commercial building as an auto body repair shop and to permit outside parking or storage to be located south of said building (3 existing dwellings to be demolished in accordance with plan designated as Exhibit 1, dated September 2, 1969 on file no. 442-69) GRANTED FOR A PERIOD OF TWO YEARS FROM THE DATE OF THE ORDER (September 2, 1969)

2. DAV 160/70 for the erection of illuminated facia identification signs, 2.5ft x 12ft, on the east and north walls of an existing non-conforming building. Said signs having a total area of 60 sq ft (sign surface area). To be in accordance with plan designated Exhibit 1, dated April 20, 1970, on File 160-70. GRANTED

3. DAV 407/71 for the maintenance of the present use of an existing non-conforming commercial building as an auto body repair shop with outside storage compound and parking, all in accordance with plan designated as Exhibit 2, dated September 7, 1971, on File 407-71. GRANTED FOR A PERIOD OF TWO YEARS FROM THE DATE OF THE ORDER (September 7, 1971) unless the Board grants an extension of time.

4. DAB 10/74 to alter B/A order 407/71 to permit the establishment of a woodworking shop.

5. DAV 305/76 for the maintenance of the present use of an existing non-conforming commercial building as an auto body repair shop with outside storage compound and parking in accordance with plan submitted. GRANTED FOR A PERIOD OF ONE YEAR.

6. DAV 256/77 for the maintenance of the present use of an existing non-conforming commercial building as an auto body repair shop with outside storage compound and parking as indicated on plan submitted (granted previously for one year from June 24, 1976). REJECTED

7. V42/77 appeal for the maintenance of the present use of an existing non-conforming commercial building as an auto body repair shop with outside storage compound and parking as indicated on plan submitted. GRANTED FOR A PERIOD OF FIVE YEARS.

8. DAV 255/82 REJECTED an application for the maintenance of an auto body repair shop in an existing non-conforming commercial building with outside storage compound and parking areas as indicated on plans submitted as previously approved for a five year period by appeal order V42/77.

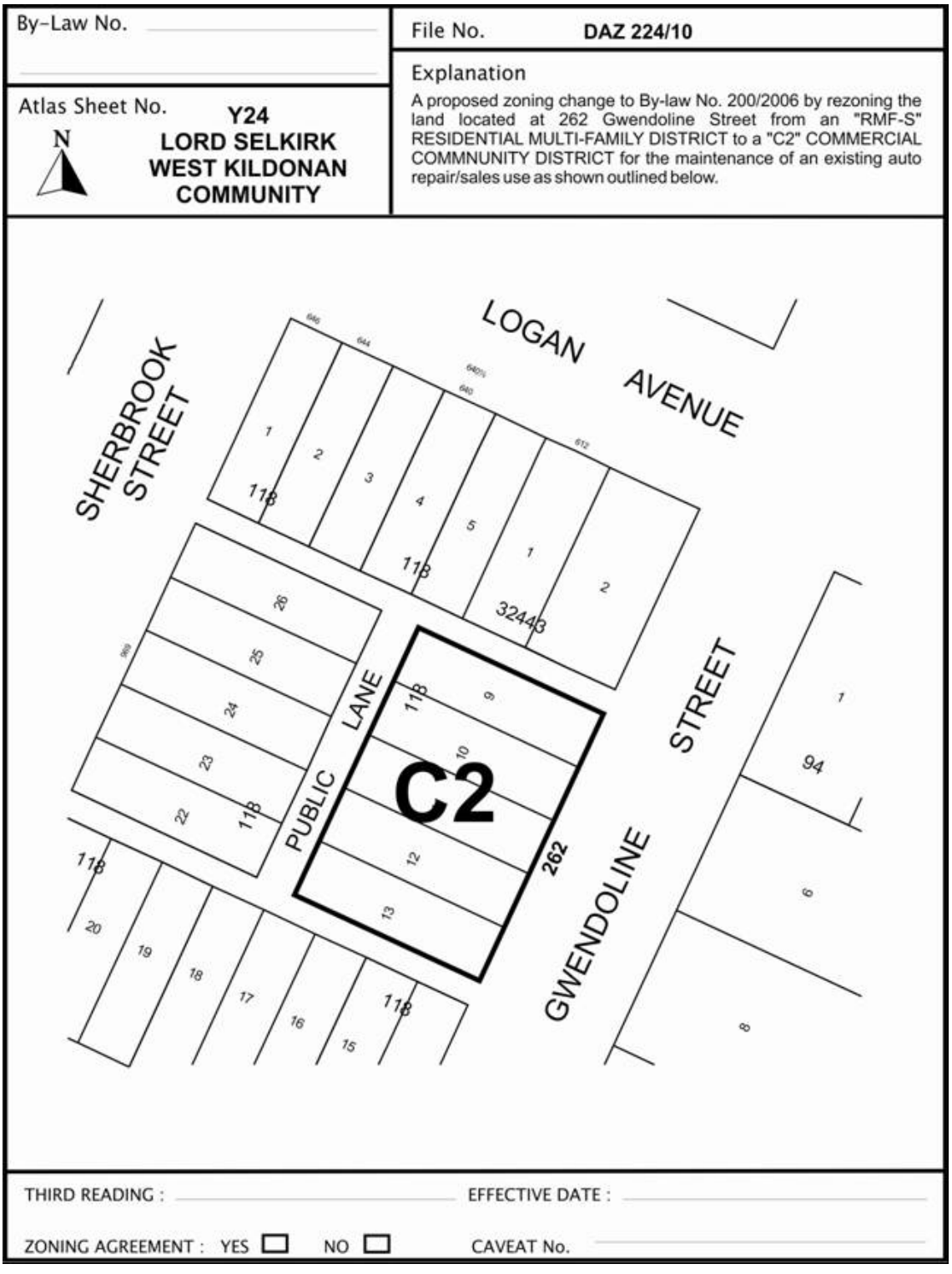
9. V37/82 (c/r DAV 255/82) APPROVED BY APPEAL the maintenance of an auto body repair shop in an existing non-conforming commercial building with outside storage compound and parking areas, as indicated on plans submitted, attached hereto as Schedule “A”.
   SUBJECT TO THE FOLLOWING CONDITON: “that the variance granted by this Order shall expire if and when the present owners of the land cease to be the owners and operators of the auto body repair shop located thereon, as the perpetuation of this use indefinitely may have a detrimental effect upon the adjoining lands at some point in time in the future.”

10. DAV 793/90 REJECTED an application to delete Condition “a” of Variance Order No. V37/82 (DAV 255/82) which reads – “that the variance granted by this Order shall expire if and when the present owners of the land cease to be the owners and operators of the auto body repair shop located thereon, as the perpetuation of this use indefinitely may have a detrimental effect upon the adjoining lands at some point in time in the future.”

11. DAV 793A/90 APPROVED BY APPEAL to delete Condition “a” of Variance Order No. V37/82 (DAV 255/82) which reads – “that the variance granted by this Order shall expire if and when the present owners of the land cease to be the owners and operators of the auto body repair shop located thereon, as the perpetuation of this use indefinitely may have a detrimental effect upon the adjoining lands at some point in time in the future.” SUBJECT TO THE FOLLOWING CONDITONS:
    (1) That fencing and asphalting be provided and maintained in accordance with plans to be submitted to and approved by the Commissioner of Planning and Community Services; said fencing and asphalting to be completed by November 30, 1991;
    (2) That the hours of operation be limited to 8:00 am to 6:00 pm, Monday through Saturday;
    (3) That all auto repairs be conducted wholly within the subject building.

12. BP 99-108092 – Alias Autobody Ltd. – Occupancy only for the change of ownership for an existing Autobody Repair Shop. No building alterations.

Schedule "A"



Schedule "A" to the report to the Lord Selkirk – West Kildonan Community Committee for File DAZ 224/10, dated January 17, 2011