Minutes – Standing Policy Committee on Downtown Development, Heritage and Riverbank Management – September 12, 2011

PUBLIC HEARINGS

Minute No. 21 Appeal – Variance – 200 Main Street
(Fort Rouge - East Fort Garry Ward)
File DAV 117988A/2011B

STANDING COMMITTEE DECISION:

The Standing Policy Committee on Downtown Development, Heritage and Riverbank Management allowed the appeal, did not concur in the decision of the Director of Planning, Property and Development and approved a Variance on "the land" to permit two use identification signs located above the 2nd storey ceiling.

Further, the Standing Policy Committee on Downtown Development, Heritage and Riverbank Management cancelled Variance Order DAV 117988/2011B.

DECISION MAKING HISTORY:

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

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

Carried

Moved by Councillor Havixbeck,
That the receipt of public representations be concluded.

Carried

Moved by Councillor Havixbeck,
That criteria (a) to (d) of Subsection 247(3) of The City of Winnipeg Charter, are satisfied.

Carried

Moved by Councillor Havixbeck,
That the appeal be allowed, the decision of the Director of Planning, Property and Development not be concurred in and the provisions of the "M" Multiple-Use Sector dimensional standards of Winnipeg Zoning By-law No. 200/2006 be varied on "the land" to permit two use identification signs located above the 2nd storey ceiling.

Carried

Moved by Councillor Havixbeck,
That Variance Order DAV 117988/2011B be cancelled.

Carried

DECISION MAKING HISTORY: (Continued)

Moved by Councillor Havixbeck,
That the public hearing with respect to this appeal be concluded.

Carried

THE CITY OF WINNIPEG
VARIANCE APPEAL ORDER
Standing Policy Committee on Downtown Development, Heritage and Riverbank Management

DAV 117988A/2011B

Before:	Standing Policy Committee on Downtown Development, Heritage and Riverbank Management Councillor Swandel, Chairperson Councillor Browaty Councillor Gerbasi Councillor Havixbeck
Hearing:	September 12, 2011 West Committee Room Council Building, 510 Main Street
Applicant:	Donna Daniel Ace Signs and Service Ltd.
Premises Affected:	200 Main Street
Legal Description:	Lot 16/19 Plan 24135 PCL B Plan 25017 1 ST J, hereinafter called "the land"
Property Zoned:	"M" Multiple-Use Sector
Zoning Atlas Sheet:	AA25
Nature of the Application:	To vary the "Multiple Use Sector" regulations of the Downtown Winnipeg Zoning By-law No. 100/2004 to permit two use identification signs located above the 2nd storey ceiling.

ORDER OF THE DIRECTOR OF PLANNING, PROPERTY AND DEVELOPMENT:

The Director of Planning Property and Development rejected a Variance, File DAV 117988/2011B, to Donna Daniel Ace Signs and Service Ltd., for premises located at 200 Main Street, for two use identification signs located above the 2nd storey ceiling.

Pursuant to the provisions of The City of Winnipeg Charter, Gord Sadler, appealed the Variance Order DAV 117988/2011B and after Notice, the appeal was heard on September 12, 2011.

Upon consideration of the evidence adduced and submissions made, the Standing Policy Committee on Downtown Development, Heritage and Riverbank Management is of the opinion that, subject to the condition(s) imposed under this Appeal Order if any, criteria (a) to (d) of Subsection 247(3) of The City of Winnipeg Charter, set out below, are satisfied:

(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.

ORDER:

The Standing Policy Committee on Downtown Development, Heritage and Riverbank Management orders:

1. That the appeal is allowed and the provisions of the "M" Multiple-Use Sector dimensional standards of Winnipeg Zoning By-law No. 200/2006 are varied on "the land" to permit two use identification signs located above the 2nd storey ceiling.

2. That Variance Order DAV 117988/2011B dated June 20, 2011, is cancelled.

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

DATE OF ORDER: September 12, 2011

CERTIFIED BY:



Carlos Gameiro
Senior Committee Clerk

THE FOLLOWING PERSONS MADE REPRESENTATIONS:

In Support of the Appeal:

Gordon Sadler

In Opposition to the Appeal:

Nil

For Information on the Appeal:

Nil

For the City:

Mr. B. Thorgrimson, Acting Director, Planning, Property and Development Department
Mr. J. Keirnan, Coordinator Parks, Riverbanks and Community Initiatives, Planning, Property and Development Department
Mr. K. Kowalke, Planner, Planning, Property and Development Department
Ms S. Murata, Solicitor, Legal Services Department

EXHIBITS FILED FOR DAV 117988A/2011B

1. Order DAV 117988/2011B dated June 20, 2011
2. Notice of Appeal filed by Gord Sadler received June 22, 2011
3. Notification of Public Hearing dated August 25, 2011
4. Confirmation from the Zoning Development Administrator that the subject property may be posted in substitution for newspaper advertising
5. Plans, Sheets 1 to 3 inclusive, for File DAV 117988/2011B dated May 30, 2011
6. Report from the Planning and Land Use Division dated August 23, 2011
7. Inspection Report

Exhibit "6" referred to in File DAV 117988A/2011B

ADMINISTRATIVE REPORT

Title: DAV 11-117988/B – 200 Main Street

Critical Path: Standing Policy Committee on Downtown Development, Heritage and Riverbank Management

AUTHORIZATION

Author	Department Head	CFO	CAO
P. Regan	B. Thorgrimson	n/a	Deepak Joshi Chief Operating Officer

RECOMMENDATIONS

The Planning, Property and Development Department (Planning and Land Use Division) recommends that the appeal to vary the "Multiple Use Sector" regulations of the Downtown Winnipeg Zoning By-law No. 100/2004 to permit two use identification signs located above the second storey ceiling be dismissed.

REASON FOR THE REPORT

The Standing Policy Committee on Downtown Development, Heritage and Riverbank Management is delegated the authority to hear and decide on appeals of decisions of the Public Service on Conditional Use applications in downtown Winnipeg.

- The application is for the installation of two additional signs at the roof line of the building bearing a different name and logo from the Building Identification signs installed earlier this year.
- The zoning by-law requires that signs be pedestrian-oriented (located below the second storey ceiling) with the exception of singular identification signage for wayfinding purposes.

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations of the Planning, Property and Development Department (Planning and Land Use Division) are concurred in, only a matching set of signs designated as Building Identification will be permitted to be above the second storey ceiling.

HISTORY

- February 18, 2011, an application was initiated to install two signs for *Assiniboine Credit Union* as Building Identification signs (above the second storey ceiling). In a letter dated the same day, the zoning officer advised Signex that only one name per building is permitted as Building Identification signage. The zoning officer requested written authorization from the building owner and confirmation that they are aware that no other Building Identification Type sign will be permitted (above the second storey ceiling).
- On March 30, 2011, an application was initiated for two additional signs above the second storey ceiling for *Wawanesa Life.*
- On June 20, 2011, Planning, Property and Development issued a rejection of the variance application.

FINANCIAL IMPACT

Financial Impact Statement Date: August 19, 2011

Project Name:

DAV 11-117988/B – 200 Main Street

COMMENTS:

The recommendations contained in this report include that the Planning, Property and Development Department (Planning and Land Use Division) recommends that the appeal to vary the "Multiple Use Sector" regulations of the Downtown Winnipeg Zoning By-law No. 100/2004 to permit two use identification signs located above the second storey ceiling be dismissed.

There are no financial implications associated with this report.

"Original Signed By"
Mike McGinn, CA
Manager of Finance

CONSULTATION

In preparing this Report there was consultation with:

N/A

SUBMITTED BY

Department	*Planning, Property and Development*
Division	*Planning and Land Use*
Prepared by	Kurtis Kowalke
Date:	August 23, 2011
File No.	DAV 11-117988/B

List of Schedules and Attachments

1. Attachment 1 – Planning Discussion

O:\Reports Directive\Planning and Land Use\Urban Planning Reports\2011 Reports\DAV 11-117988B 200 Main.DOC

Attachment 1 – Planning Discussion

DATE: August 16, 2011
FILE: DAV 11-117988/B
RELATED FILES:
COMMUNITY: City Centre Community
NEIGHBOURHOOD #: 1.161
SUBJECT: To vary the "Multiple Use Sector" regulations of the Downtown Winnipeg Zoning By-law No. 100/2004 to permit two use identification signs located above the 2nd storey ceiling.

LOCATION: 200 Main ST
LEGAL DESCRIPTION: LOT 16/19 PLAN 24135 PCL B PLAN 25017 1 ST J

APPLICANT: Donna Daniel Ace Signs and Service Ltd.
1430 CHURCH AVE
WINNIPEG MB R2X 1G4

OWNER: THE WAWANESA MUTUAL INSURANCE COMPANY
191 BROADWAY
WINNIPEG MB R3C 3P1

RECOMMENDATION: Rejection

CRITERIA FOR APPROVAL
Pursuant to Section 247(3) of the City of Winnipeg Charter, a Conditional Use application can be approved with condition(s) if the proposed development:
(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.

REPORT SUMMARY
- The proposal is for the installation of two additional signs at the roof line of the building bearing a different name and logo from the Building Identification signs installed earlier this year.
- The zoning by-law requires that signs be pedestrian-oriented (located below the second storey ceiling) with the exception of singular identification signage for wayfinding purposes.

SITE DESCRIPTION
The subject site is a multi-tenant commercial building in the South Portage Neighbourhood of the Fort Rouge – East Fort Garry Ward. The site occupies approximately 34,000 square feet on the northwest corner of Main Street and York Avenue and is zoned "Multiple Use Sector".

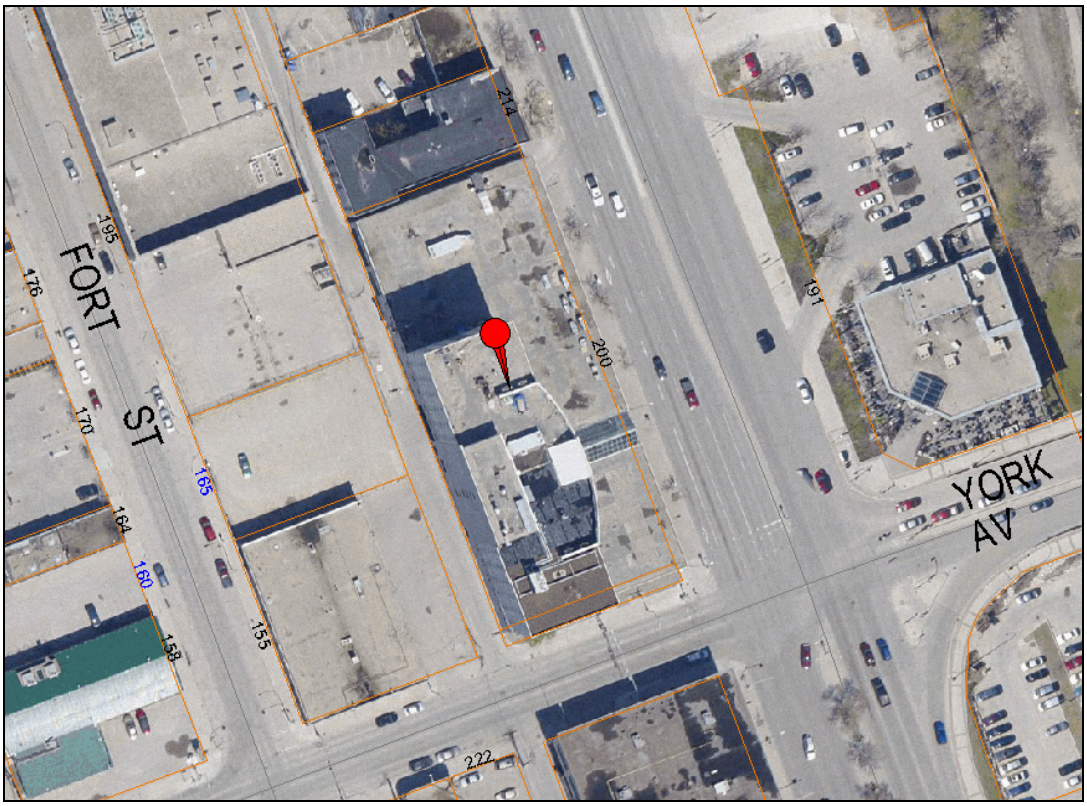


Figure 1: 2009 air photo map of subject parcel and surrounding context

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The proponent intends to erect two additional signs at the roof line of the building identifying *Wawanesa Life.*
- Since signs identifying *Assiniboine Credit Union* have already been installed at the roof line of the building, and the zoning by-law limits building identification signage to one name and logo per property, a variance is being sought.



Figure 3: Southwest view – osed signs



ANALYSIS AND ISSUES

ZONING BY-LAW 100/2004

Zoning By-Law 100/2004 states, “In order to distinguish Building Identification signs from Use Identification signs, a building is limited to one name, logo, or street address.” The distinction is important because pedestrian-oriented design is a priority in the downtown and Use Identification is required to be located below the second storey ceiling. Limitations on signage size and placement are intended to preserve a clear and legible downtown streetscape. Outside the downtown, more permissive sign regulations are in place under Zoning By-Law 200/2006, which results in a different urban image. (See Figure 4.) The limitation of one name per building is also intended as an informal wayfinding system. Visitors to the downtown will orient themselves using signage in the skyline (i.e. building names) visible from greater distances. The use of a different name on one side of a building from the other defeats this goal



Figure 4: Building signage outside the downtown – up to 25% of wall coverage and any placement, height permitted

ZONING BY-LAW 4800/88 COMPARISON

The distinction between Building Identification and Use Identification was extremely vague under the previous zoning by-law and both could appear anywhere on the building. There was no policy or regulation for pedestrian-oriented signage. The sign area allowed for Building was the same between By-Law 4800/88 and By-Law 100/04 (up to 2% of building wall). The amount of Use Identification signage permitted was increased from 4 to 5 square feet per foot of frontage for Main Street when By-Law 100/2004 was adopted, but it also was required to be pedestrian-oriented (below the second storey ceiling) .

INJURIOUS EFFECT

The Winnipeg Charter provides criteria for approval of a variance that requires that the applicant demonstrate an injurious effect of the zoning by-law on the subject property that makes it difficult or impossible to comply with the provisions of the By-Law that does not include conditions created by the owner or conditions generally shared with other properties in the same area. There is no evidence that this property is unique in terms of any adverse impacts of the zoning regulations.

COMPATIBILITY WITH THE AREA

With the location of the subject site one block from the new Museum of Human Rights, the approval of more high profile signage competing for attention may not be appropriate. Currently the vast majority of our downtown office buildings comply with the rules around singular building identification, with rare exceptions (noted below). Approval of this variance would set a precedent that would make it difficult to deny other tall buildings the right to an increasing number and variety of signs at heights above the second storey. If this is a direction the

committee supports, a regulatory amendment should be explored to enable future applications to be handled through a less cumbersome approval process.

NON-CONFORMITIES

The applicant refers to two properties in the area with non-conforming signs.

- 125 Garry Street originally had one Building Identification text sign (Western Canada Lottery Corporation) on one elevation, along with four logos on four other sides of the octagonal building. In 1998, the owner applied to remove logos from the roof line of three of the elevations and instead install three new text signs – an additional WCLC sign plus two signs for Ceridian at the roof line. This required a variance for sign surface area under Zoning By-Law 4800/88, which was not supported and was appealed. The standing committee supported adding one additional sign only (for Ceridian) provided that three of the logo signs were removed.
- In 2010, 215 Garry Street replaced a non-confirming sign at the top of the south elevation with a new smaller sign at the same location. According to Section 150(5) of Zoning By-Law 100/2006, “A sign that was lawfully in existence on the date that this by-law comes into force that does not comply with the sign requirements specified in the relevant sector regulations may continue to exist and be repaired, provided there is not increase in sign surface area or the degree of illumination of such sign. In addition, the copy of such sign may be changed provided such change does not constitute a change to the type of sign."

REASONS FOR RECOMMENDATIONS

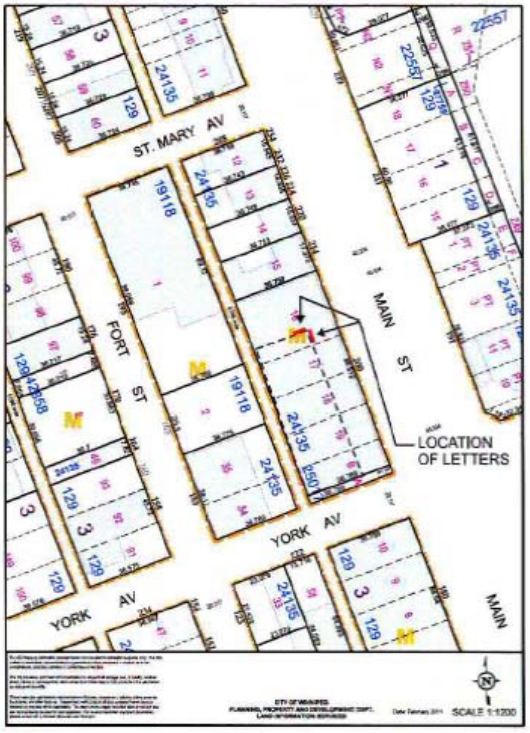
In the context of Section 247(3), the Planning and Land Use Division recommends **rejection** for the following reasons:

- The Downtown Zoning By-Law strives to create a fair and level playing field in terms of the size and quantity of building signs permitted.
- There are no unique or extenuating factors that warrant a more permissive approach to signage at this property.
- Singular Building Identification reduces visual clutter and serves as a legible wayfinding tool.
- Sign regulations under Zoning By-Law 100/2004 encourage signs that reinforce the pedestrian-oriented focus of the downtown.

This Report Submitted by:
Planning, Property and Development Department
Planning and Land Use Division

Report Prepared by: Kurtis Kowalke
PPD File # DAV 11-117988/B

Exhibit "5" referred to in File DAV 117988A/2011B



ACE SIGNS & SERVICE LTD.

CUSTOMER APPROVAL: _____ _____
PRINT / SIGNED DATE

1439 CHURCH AVE. WINNIPEG, MB. R2X 1G4 PH:(204) 697-9705 / FAX (204) 632-6885

DEVELOPMENT EXAMINATION BRANCH
THIS PLAN IS SUBMITTED FOR APPROVAL
IN CONNECTION WITH DAV 117988/B
SHEET # 1 OF 3
APPLICANT (SGD.) Ed Lemon
DEV. EXAM.
DATE 30 MAY 11



LOCATION OF LETTERS- EAST AND NORTH ELEVATIONS

DEVELOPMENT EXAMINATION
BRANCH
THIS PLAN IS SUBMITTED FOR APPROVAL
IN CONNECTION WITH DAN 117883
SHEET # 2 OF 3
APPLICANT (SGD.)
DEV. EXAM.
DATE 30 May 11

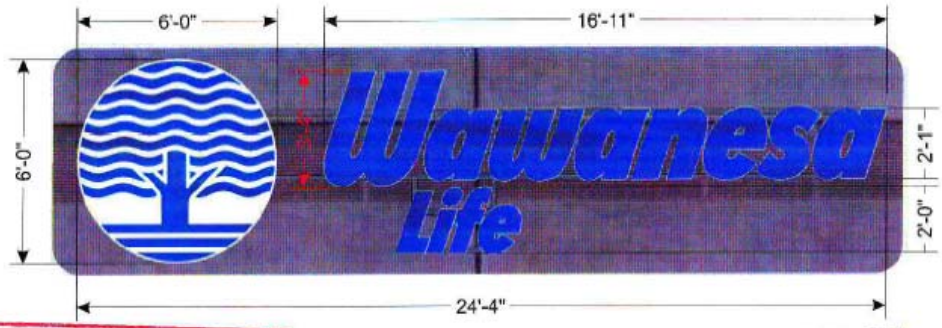
CONSUMER CHOICE AWARD 2010

CUSTOMER APPROVAL: _____ _____
PRINT / SIGNED DATE

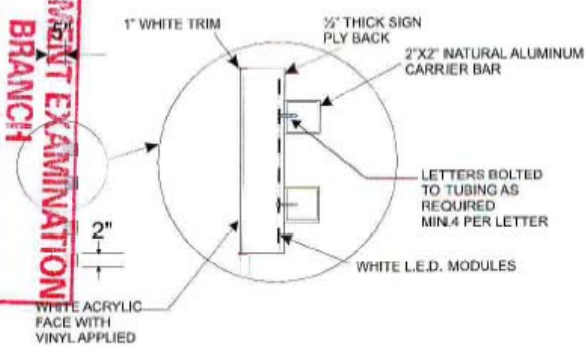
Ace SIGNS & SERVICE LTD.

1430 CHURCH AVE, WINNIPEG, MB. R2X 1G4 PH:(204) 697-9705 / FAX (204) 632-6895 email: info@acesigns.org / website: www.acesigns.org

The design depicted is the sole property of Ace Signs and Service Ltd., and may not be reproduced in any form without permission of Ace Signs and Service Ltd. - Actual colors may vary due to the manufacturer properties of vinyls, plastics & paints.



146 ft²



DEVELOPMENT EXAMINATION BRANCH
THIS PLAN IS SUBMITTED FOR APPROVAL
IN CONNECTION WITH DAV 117988B
SHEET # 3 OF 3
APPLICANT (SGD.)
DEV. EXAM.
DATE 30 MAY 11

SURVEY REQUIRED

JANUARY 13, 2011

WAWANESA LIFE

- 200 MAIN ST, WINNIPEG MB -

SUPPLY AND INSTALL

ONE (1) 6'-0" DIAMETER WHITE L.E.D. ILLUMINATED DOUBLE SPACED (OVER POPULATED) CIRCULAR ALUMINUM CABINET PAINTED WHITE WITH WHITE 3/16" ACRYLIC FACE, 1" WHITE JEWELITE TRIM AND MACMARK BLUE #9738-00 VINYL APPLIED TO FACE.

ONE (1) SET OF WHITE L.E.D. ILLUMINATED (TWO ROWS OF L.E.D. MODULES) ALUMINUM CHANNEL LETTERS PAINTED WHITE WITH 1" WHITE JEWELITE TRIM, WHITE ACRYLIC FACE AND MACMARK BLUE #9738-00 VINYL APPLIED TO FACE.

MOUNTED ON 2" X 2" CARRIER BARS TO MATCH BKGD WALL.

TEXT AND GRAPHICS AS SHOWN.

NOTES:

- SITE SURVEY & MEASUREMENT REQUIRED PRIOR TO MANUFACTURING & INSTALLATION OF SIGN.

CONSUMER CHOICE AWARD 2010

Consumers' Choice Award 2001 for Business Excellence

CUSTOMER APPROVAL: _____ PRINT / SIGNED _____ DATE

Ace SIGNS & SERVICE LTD.
1430 CHURCH AVE, WINNIPEG, MB, R2X 1G4 PH:(204) 697-9705 / FAX (204) 632-6895 email: info@acesigns.org / website: www.acesigns.org.

The design depicted is the sole property of Ace Signs and Service Ltd., and may not be reproduced in any form without permission of Ace Signs and Service Ltd. - Actual colors may vary due to the translucent properties of vinyls, plastics & paints.

Exhibit "2" referred to in File DAV 117988A/2011B

Wawanesa Life

THE WAWANESA LIFE INSURANCE COMPANY
400-200 Main Street, Winnipeg, Manitoba R3C 1A8
Tel: (204) 985-3940 or 1-888-997-9965 Fax 1-888-985-3872
www.wawanesalife.com Email: life@wawanesa.com

To: Clerk of Standing Policy Committee on Downtown Development
City of Winnipeg
City Clerk's Department
Council Building, 510 Main Street
Winnipeg, MB, R3B 1B9
Fax 947-3452

Re: Variance Order No. DAV11-117988/B

From: Gord Sadler
Director, Individual Sales and Marketing

We wish to appeal the above variance order partially based on sections b,c and d. The placement of the signs does not have an adverse effect on any properties in the area and is compatible with buildings in our area like the Ricoh/CU and Lottery/Ceridian buildings.

We would indeed experience injurious effect if we were forced to place our north sign on the second floor due to the existence of the hotel going over 3 stories.

Gord Sadler

RECEIVED
CITY CLERKS
WINNIPEG
11 JUN 22 P3:09

Exhibit "1" referred to in File DAV 117988A/2011B

DAV 11-117988/B

APPLICANT: Donna Daniel Ace Signs and Service Ltd.
1430 CHURCH AVE
WINNIPEG MB R2X 1G4

PREMISES AFFECTED: 200 Main ST
LEGAL DESCRIPTION: LOT 16/19 PLAN 24135 PCL B PLAN 25017 1 ST J
hereinafter called "the land".
PROPERTY ZONED: M
ZONING ATLAS SHEET: AA25
NATURE OF APPLICATION:

To vary the "Multiple Use Sector" regulations of the Downtown Winnipeg Zoning By-law No. 100/2004 to permit two use identification signs located above the 2nd storey ceiling.

It is the opinion of the Director of Planning, Property and Development Department that this application does not meet the statutory criteria of the City of Winnipeg Charter in that it:

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

C.W. Charter Subsection 247(3)

ORDER:
RE: 200 Main ST

The Director of Planning, Property and Development Department hereby orders that the provisions of the "M" dimensional standards of Zoning By-Law No. 100/2004 and amendments thereto to permit two use identification signs located above the 2nd storey ceiling **is hereby REJECTED.**

DATE OF ORDER: June 20, 2011

CERTIFIED BY:

_____
for Director Planning, Property and Development Department

HOW TO APPEAL

You must appeal against either the whole of this order or part(s) of it by filing a letter of appeal. This appeal will be heard by the Appeals Committee. That letter must:

(a) be addressed as set out below,

(b) be received at that office not later than 4:30 p.m. on July 4, 2011,
[IF RECEIVED LATE YOUR APPEAL CANNOT BE HEARD.]

(c) refer to Variance Order No. DAV 11-117988/B, give brief reasons and describe whether you appeal the whole order or only part(s) of it.

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

Address: Clerk of the Standing Policy Committee on Downtown Development
City of Winnipeg
City Clerk's Department
Council Building, 510 Main Street
Winnipeg, MB, R3B 1B9
Fax 947-3452