REPORTS

4. From the Director, Planning, Property and Development Department
Report 2002/03/01

Appeal of Rejection of Variance Application Contrary to Plan Winnipeg for Vacant Land Located at the South East Corner of Symington Road and Esselmont Avenue
File EP-1 (Vol. 20)

Recommending that the Executive Policy Committee concur that a zoning variance to establish a lot at the south-east corner of Symington Road and Esselmont Avenue is contrary to Plan Winnipeg and must be rejected in accordance with Section 630 of The City of Winnipeg Act.

Agenda - Executive Policy Committee - March 13, 2002

Attachment to Item 04 - "Appeal of Rejection of Variance Application Contrary to Plan Winnipeg for Vacant Land Located at the South East Corner of Symington Road and Esselmont Avenue"

Re: Appeal of rejection of variance application contrary to Plan Winnipeg for vacant land located at the South East corner of Symington Road and Esselmont Avenue

For submission to: **Executive Policy Committee**

Original report signed by: **Director of Planning, Property and Development**

Report date: March 1, 2002

In camera item:

Recommendation(s):

That **Executive Policy Committee** concur that a zoning variance to establish a buildable lot at the South East corner of Symington Road and Esselmont Avenue is contrary to Plan Winnipeg and must be rejected in accordance with sections 583 and 630 of the City of Winnipeg Act.

REPORT SUMMARY

KEY ISSUES:

- Subject property is zoned A Agricultural District and is located in a Rural Policy Area under Plan Winnipeg.
- Plan Winnipeg regulates land uses in Rural Policy Areas by requiring a minimum site area of 16 ha (40 acres) subject to minimal variances
- The subject lot does not constitute a "lot of record" therefore variances are required in order to establish a buildable lot.
- The administration contends that the variances required to establish this as a building lot do not constitute a minimal variance as set out in Plan Winnipeg policy and therefore must be rejected as contrary to Plan Winnipeg in accordance with sections 583 and 630 of the City of Winnipeg Act and subsection 3(3) of the Development Procedures By-Law 5893/92.

IMPLICATIONS

General implications

	None
	For the organization overall and/or for other departments
X	For the community and/or organizations external to the City of Winnipeg
	Involves a multi-year contract

Comment: •

Policy implications

	No (*There are no policy implications if the report is asking for a one-time decision.)*
X	Yes *(There are policy implications if the recommendation(s) is/are asking for a decision that will be used to guide decisions over time.)*

Attachment to Item 04 - "Appeal of Rejection of Variance Application Contrary to Plan Winnipeg for Vacant Land Located at the South East Corner of Symington Road and Esselmont Avenue"

Comment:

- A decision on this matter will set a precedent for how to interpret a key Plan Winnipeg policy regarding rural residential development.

Financial implications

	Within approved current and/or capital budget
	Current and/or capital budget adjustment required
X	No financial implications

Comment:

-

Attachment to Item 04 - "Appeal of Rejection of Variance Application Contrary to Plan Winnipeg for Vacant Land Located at the South East Corner of Symington Road and Esselmont Avenue"

REPORT

RECOMMENDATION(S):

That **Executive Policy Committee** concur that a zoning variance to establish a lot at the South East corner of Symington Road and Esselmont Avenue is contrary to Plan Winnipeg and must be rejected in accordance with section 630 of the City of Winnipeg Act.

REASON FOR THE REPORT:

Under subsection 3(6)(a) of the Development Procedures By-Law No. 5893/92 (as amended) where the Director rejects a development application under subsection (3) for non-conformance with Plan Winnipeg, the applicant may appeal the Director's decision to Executive Policy Committee.

HISTORY:

An application for a zoning variance at the South East corner of Symington Road and Esselmont Avenue has been rejected by the Director of Planning, Property and Development as contrary to Plan Winnipeg Policy 3B-08 Regulate Land Uses in Rural Areas. A record search has revealed that the property, commonly known as Lot 9, Plan 2617 does not constitute a lot of record, meaning it did not lawfully exist on the effective date of the zoning by-law or amendments thereto and does not comply with either of the district bulk regulations for lot width or lot area.
The lot is located in Rural Policy Area under Plan Winnipeg Policy 3B-08 which states:
The City shall regulate land uses within locations designated as Rural on Policy Plate A by:

i) designating as agriculture and related support functions as the principal use in rural areas through the requirement of a minimum site area of 16 ha (40 acres), subject to minimal variances.
ii) allowing the subdivision of land into parcels less than 16 ha (40 acres) only through the preparation and adoption of a secondary plan.

Consistent with its designation as a "Rural Policy Area", the property is zoned "A" Agricultural District where the minimum requirements are a lot size of 40 acres. The subject property however, is only five acres in area. Since the subject property does not have lot of record *status, a variance application is required for its establishment as a building lot. These variances are substantial and do not constitute a minimum variance as referenced in the above noted policy. Therefore, the variance application does not conform with Plan Winnipeg.*
Under section 630 of the City of Winnipeg Act an application for a development by-law or approval of a plan of subdivision that does not conform with Plan Winnipeg and any secondary plan for the area in which the land or building is located shall be rejected. Since it has been deemed by the director that the above application does not conform to Policy 3B-08 of Plan Winnipeg, the application has been rejected.

DISCUSSION:

Attachment to Item 04 - "Appeal of Rejection of Variance Application Contrary to Plan Winnipeg for Vacant Land Located at the South East Corner of Symington Road and Esselmont Avenue"

The subject property, Lot 9, Plan 2617 at the southeast corner of Symington Road and Esselmont Avenue, is located within a Rural Policy Area as designated under Plan Winnipeg. The intent of Plan Winnipeg with respect to Rural Policy Areas is to limit the development of unserviced residential areas on the periphery of the urban area. Scattered developments of this nature make future orderly development to urban densities difficult to achieve. Continued unregulated development may also lead to issues surrounding land drainage, groundwater contamination and increased servicing costs. For this reason and in order to preserve the land in large holdings until they are required for fully serviced urban development, lot sizes in Rural Policy Areas are restricted to a minimum of 40 acres.

The subject property is located in an area that is characterized by a small amount of unserviced large lot development that was established under previous by-laws. Lots that lawfully existed prior to changes in these by-laws have lot of record *status and maintain their status as buildable lots. In some areas, Plan Winnipeg recognizes existing areas of large lot rural residential development and allows for some infilling at immediately prevailing densities; subject to a Secondary Plan. A Secondary Plan ensures that development occurs in an orderly fashion rather than on an ad hoc, lot-by-lot basis. The secondary planning process considers area-wide factors such as future street patterns, effects on land drainage, impacts on the aquifer and other area factors can be carefully considered before additional residential development occurs. The subject lot is located in an area not regulated by a secondary plan, therefore new development can only occur on lots that lawfully existed prior to changes to the by-law; that is, on* lots of record.

A *lot of record* is defined under The City of Winnipeg Zoning By-Law 6400/94 as: *any parcel of land lawfully existing on the effective date of this By-law, or amendments thereto, that does not comply with either of the district bulk regulations for lot width or lot area or both. No structure may be erected on a lot of record unless: the parcel of land was on record in the Winnipeg Land Titles Office prior to the effective date of the By-Law, or amendments thereto, and did not form part of a larger contiguous holding under the same ownership.* This means that at the time of subdivision such a lot would have complied with bulk regulations for the area or these regulations were successfully varied by development application. In such a case, because it was legally established, the lot will continue to have status as a lot of record even after the zoning regulations and development plan (Plan Winnipeg) designation of the area change. Where a lot does not have status as a lot of record, a variance is required to bring the lot into compliance with the bulk regulations before the lot can be built upon. In some cases, such a variance will be contrary to Plan Winnipeg.

Lots 9 and 10 of Plan 2617, were held in one ownership and together constituted a lot of record, *an a dwelling was constructed in 2000 on this parcel. Subsequently lot 9 was transferred to this applicant thereby eliminating the* lot of record *status for both lots 9 and 10. This also puts lot 10 in violation of the zoning by-law and Plan Winnipeg.*

In order for both lots to be developed individually, lot area variances from 40 acres to 5 acres are required for each property. In order for such applications to proceed, it must be determined that these variances constitute minimal variances contemplated under Plan Winnipeg Policy 3B-08. While there is no definition in either Plan Winnipeg or the Zoning by-law for "minimal

Attachment to Item 04 - "Appeal of Rejection of Variance Application Contrary to Plan Winnipeg for Vacant Land Located at the South East Corner of Symington Road and Esselmont Avenue"

variances", it has generally been accepted by the administration that any variance under 25% of the minimum requirement would constitute a "minimal variance". Clearly, the variance required for these applications would be significantly more than this. For this reason, the Director of the Planning, Property and Development Department has rejected the subject application and would be forced to reject a similar application on lot 10. The City of Winnipeg Act does not allow for any exception to a Plan Winnipeg policy; if an application is deemed not to comply with the Plan, it must be rejected.

The appellants contend that the variances required to establish the subject lot should be considered minimal because a separate title already exists for this lot through a previous subdivision and the development of this lot will have a minimal impact on the adjacent area. They argue that the lot should be considered buildable regardless of its status as a lot of record*. Such a determination, however, would encourage similar applications for other lots that do not currently have* lot of record *status, allowing them to also establish. It is very difficult to predict how many other lots are in a similar situation throughout the City of Winnipeg but a few significant examples are known to the department such as: 75 lots along McConnell Road in the Wilkes South area that exist under separate title but do not have* lot of record *status.*

Through the current Plan Winnipeg and zoning by-law, as well as under former by-laws and plans, the City of Winnipeg has attempted to regulate unserviced development in Rural Areas. In so doing, the City has determined that ad hoc development on the fringe of the urban area is detrimental to future orderly growth. The regulations surrounding what constitutes a lot of record *are intended to protect lots that were lawfully in existence prior to by-law changes and prevent the continued creation of new lots that do not meet regulations. Making an interpretation that would legitimize a lot that does not meet the zoning criteria for a* lot of record *would undermine the City of Winnipeg's ability to set and enforce land use regulations in Rural Policy Areas. While an exception in this case may appear to be inconsequential, other property owners faced with a similar situation will likely come forward to also establish buildable lots. On a one-by-one basis, the establishment of these other lots may also seem inconsequential, however the cumulative effect will contribute to those same issues the regulation of development in rural areas was meant to prevent. The incremental effect will weaken the intent of Plan Winnipeg policy that currently provides for orderly development in Rural Policy Areas.*

Attachment to Item 04 - "Appeal of Rejection of Variance Application Contrary to Plan Winnipeg for Vacant Land Located at the South East Corner of Symington Road and Esselmont Avenue"

Financial Impact Statement

Date: 27-Feb-02

COMMENTS:

There are no financial implications to the City resulting from this report's recommendations.

Gord Courage, Manager
Support Services Division

Agenda - Executive Policy Committee - March 13, 2002

Attachment to Item 04 - "Appeal of Rejection of Variance Application Contrary to Plan Winnipeg for Vacant Land Located at the South East Corner of Symington Road and Esselmont Avenue"

IN PREPARING THIS REPORT, THERE WAS CONSULTATION WITH AND CONCURRENCE BY:

Zoning and Permits Branch, Planning, Property and Development Department

THIS REPORT SUBMITTED BY:

Planning, Property and Development Department
Division: Planning and Land Use
Prepared by: Dianne Johnson
PPD File #:

Document name: o:\reports directive\planning and land use\urban planning reports\symington&esselmont.doc

(b) to those portions of the interior of the structure occupied by the non-conforming use, or in connection with a change or extension of the non-conforming use permitted in accordance with subsection (7) of this section.

182(5) No structural alterations shall be made to a structure occupied by a non-conforming use except:

(a) to comply with the requirements of the law; or

(b) to accommodate a conforming use; or

(c) to conform to the applicable district regulations on performance standards; or

(d) in the course of an enlargement permitted in accordance with subsection (7) of this section.

A non-conforming use of a structure or of a parcel of land, or portion thereof, which is, or hereafter becomes, abandoned, vacant or unoccupied, and remains vacant and unoccupied for twelve consecutive months, shall not thereafter be occupied or used except for a use which conforms to the applicable district regulations. For the purpose of this **PART** the stock in trade within the structure or on the land shall not in itself constitute a use thereof, nor shall the occasion or partial operation of such equipment or the presence of any stock in trade in itself constitute a use of any structure or parcel of land.

182(7) Enlargements or extensions of a non-conforming use are permitted as follows:

(a) a two-family dwelling constructed prior to the effective date of this By-law, or amendments thereto, in a district designated "R1" by this By-law, may be enlarged or extended provided that the enlargement or extension complies with the "R1" bulk regulations of Section 620 of Part VI.

182(8) The following clauses are not subject to subsection (7) of this section:

(a) enlargements or extensions designed exclusively to comply with the performances standards; and

(b) enlargements or extensions to provide the required accessory off-street parking spaces or loading spaces.

/L 6880/96
6 09 25

184 LOT OF RECORD

184(1) A "lot of record" means any parcel of land lawfully existing prior to the effective date of the by-law, or amendments thereto that does not comply with either of the district bulk regulations for lot width or lot area, or both.

184(2) No structure may be erected on a lot of record unless:

(a) the parcel of land was on record in the Winnipeg Land Titles Office prior to the effective date of this By-law, or amendments thereto, and did not form part of a larger contiguous holding under the same ownership;

(b) the parcel of land is in separate ownership and is not part of a continuous frontage with other parcels of land of the same ownership; and

(c) the yards are provided as set forth in the bulk table of the district in which the parcel of land is located, except that where width is a factor of the non-compliance, the side

Attachment to Item 04 - "Appeal of Rejection of Variance Application Contrary to Plan Winnipeg for Vacant Land Located at the South East Corner of Symington Road and Esselmont Avenue"

ZONING DEVELOPMENT APPROVAL

June 15, 2000

PERMIT NO.: 00 139176 000 00 HO

PROPERTY ADDRESS: 250 Symington RD

WORK BEING DONE: SFD & Att. Gar. Construct New

APPROVALS	
Subdivision Agreement (list)	
Zoning Agreement (list)	
Existing variances (list)	
Design review required e.g. Schedule "A", Board of Adjustment	,
Conditional Use Required	

INFORMATION	
Zoning By-law No.	6400/94
Zoning Designation	A
Zoning Adjacent Lot	A
Existing or Previous Use	vacant
Proposed Use	Sfd & att gar

BULK REQUIREMENTS					
	Actual	Required/ Permitted		Actual	Required/ Permitted
Type of lot	interior		Projections		
Lot Width/Lot Area			Proposed Floor Area	2083 sq ft	
		100 feet	Existing Floor Area		
			Total Floor Area	2083 sq ft	
Left Side yard		25 feet	Building Height		Maximum 30 feet
Right Side Yard		25 feet	Floor Area Ratio		
		25 feet	Lot Coverage		Maximum 40%
			Number of Stories	1	

PARKING	
Location Permitted	
Existing Parking Numbers	
Number Required	1
Number of 8' x 20'	2
Number of 8' x 16'	
Surfacing	

PARKING LOT DESIGN	
Height of Fence	
Interior Landscaping	
Perimeter Landscaping	
Berm	
Planting Details	
Wheel Stops	
Aisle Width	

OTHER:

Lots 9 & 10 are a lot of record together. Secondary plan required before lots can be split and deemed separate buildable lots

Attachment to Item 04 - "Appeal of Rejection of Variance Application Contrary to Plan Winnipeg for Vacant Land Located at the South East Corner of Symington Road and Esselmont Avenue"

PULLAN
KAMMERLOCH
FROHLINGER

October 10, 2001

City Clerk's Department
Executive Policy Committee
Counsel Building
Winnipeg, MB R3B 1B9

ATTENTION: Mr. Robert MacCallum, Committee Clerk

Dear Sir:

RE: Zoning Variance for Symington Rd. and Esselmount

I am the solicitor for Mr. and Mrs. David Hedman who are the registered owners of vacant land described as Lot 9, Plan 2617 WLTO in Lots 87 to 94 R.C.M.P. Mr. and Mrs. Hedman took title to this property earlier this year with the intention of constructing a single family dwelling on the property. This property is a corner lot at the intersection of Esselmount and Symington Road. The property was purchased this year from Mr. and Mrs. S. Wallace who had purchased both Lots 9 and 10 in 1996.

Mr. Hedman filed a Zoning Variance Application with Planning, Property and Development which department had waived the filing fee. Mr. Thorgrimson rejected the said Application by letter dated September 27, 2001.

Mr. and Mrs. Hedman wish to appeal the rejection of the said Application for the following reasons:

1. Historically, Lot 9 was owned by Albert James Cairns by Certificate of Title No. 887605 dated May 14, 1958. Lot 10 was owned by Phyllis Kathleen Cairns under Certificate of Title No. 827665. These two properties were separate and distinct lots registered to different owners.

   On December 23, 1960, Mr. and Mrs. Malenchak became registered owners of part of Lot 10 which property consisted of frontage of 150

feet and a depth of 200 feet on Symington Road. A residence was subsequently constructed on this property.

On November 17, 1976, the Lechmans became registered owners of Lot 9 under Certificate of Title No. E41143 and Lot 10 under Certificate of Title No. E41144.

In September, 1996, Mr. and Mrs. S. Wallace became registered owners of Lot 9 under Certificate of Title No. 1463968 and Lot 10 under Certificate of Title No. 1463975;

2. Each of these titles were in existence prior to Plan Winnipeg and were created by the City of Transcona. Unfortunately, the City of Transcona land records are missing and are apparently not available in archives;

3. All other existing properties in the immediate area are similar in size and at least 90% have had building permits issued;

4. With reference to the attached City of Winnipeg's Property Ownership sheet, it is evident that two separate dwellings previously existed on Lot 9 and were separately taxed by the City of Winnipeg under Roll numbers 82640 and 82630. The City of Winnipeg Tax Department is of the opinion that both Lots 9 and 10 are "lots of record";

5. Lot 9 has been and is still serviced by Centra Gas;

6. No further services to Lot 9 are required;

7. As recently as May 29, 2000 the City of Winnipeg issued a Building Permit for the construction of single family dwelling on Lot 10 without condition as to lot size;

8. Pursuant to the Surveyor's Certificate of Andres Van De Walle dated November 30, 2001, the City of Winnipeg issued a Zoning Memorandum in reference to Lot 10 confirming that the buildings indicated on the said Survey comply with the City of Winnipeg Zoning By-law 6400/94 and amendments thereto;

9. Mr. and Mrs. Hedman propose to build a single family dwelling situated on the property to face Esselmont which has a frontage of 681.5 feet. The existing residences of adjacent property owners also face Esselmont.

10. The proposed Variance is a "minimal variance" in terms of impact and history. It will not change what presently exists in respect to the size and use of adjacent properties. Furthermore, the adjoining properties and adjacent area will not suffer any adverse effect by the requested order.

Enclosed please find copies of the following relevant documents which support the requested order:

1. Property Ownership Sheet;
2. Parcel Plan;
3. Parcel Plan with size of acreage;
4. Diagram of Lot 9 showing 2 residences;
5. Surveyor's Certificate of part of Lot 10 prepared by Kilgour & Linklater and dated April 8, 1981;
6. Building Permit issued by the City of Winnipeg on May 29, 2000 for Lot 10;
7. Surveyor's Certificate of part of Lot 10 prepared by Andre Van De Walle and dated November 30, 2000;
8. Zoning Memorandum issued by the City of Winnipeg on December 11, 2000 for Lot 10.

It would be appreciated if you would kindly advise the writer as to the date, time and place of the hearing of the appeal which my clients will attend to make representations regarding this appeal.

Yours truly,

PULLAN KAMMERLOCH FROHLINGER
Per:



KIRK KIRBY
/kl

cc: Mr. and Mrs. D. Hedman

Mr. and Mrs. S. Wallace

Attachment to Item 04 - "Appeal of Rejection of Variance Application Contrary to Plan Winnipeg for Vacant Land Located at the South East Corner of Symington Road and Esselmont Avenue"

01/15/2001 15:23 204-339-2692 MARIC HOMES PAGE 02/03

CITY OF WINNIPEG

Planning, Property and Development Department
30 Fort Street Unit 100, Winnipeg, Manitoba, R3C 4X7

Customer Service/Information: (204) 986-5140
For Inspections:
Housing: (204) 986-5300
Commercial: (204) 986-5190

PERMIT NO: 00 139176 000 00 HO

BUILDING PERMIT — Construction — SEP 3 A.D. 62

ADDRESS: 250 Symington RD

Issued to:	**Contractor**	**Tenant:**
Mr Allan Rogocki Oakview Homes Ltd. & Marie Homes Ltd. 1819 Main ST Winnipeg MB R2V 2A2 Work: (204) 339-2035	Mr Allan Rogocki Oakview Homes Ltd. & Mario Homes Ltd. 1819 Main ST Winnipeg MB R2V 2A2 Work: (204) 339-2035	98 AMANDA ONE STOP 1692.35 FOLDER # 139176 8935 48 00 MAY 29 1:43 PM 1

Description of Work:
Construct 1 storey, 2083 sq. ft. single family dwelling with attached 774 sq. ft. garage and 1800 sq. ft. of basement development (283 sq. ft. of basement to remain undeveloped). Your District Inspector is Don Zelinsky. Office Hours are between 8:30 AM - 9:30 AM Monday thru Friday at 986-5192

Conditions:
Submit ventilation design summary prior to rough-in inspections.

PERMIT: This certifies that the above named applicant is granted this permit to perform the work described in the above application and that payment for the said permit has been made. This permit is granted subject to the terms of the undertaking above stated and subject to the provisions of the applicable by-laws, regulations or orders and plans heretofore mentioned and nothing permitted hereunder shall be deemed to override the provisions of any applicable by-law of The City of Winnipeg or any Federal or Provincial statues or regulations.

PLANS: The plans, specifications and/or documents, on the basis of which this PERMIT was issued, shall be kept on site until completion.

REVOCATION: This permit may be revoked if it was issued on the basis of mistaken or false information or in error.

EXPIRY: This permit shall expire unless work is commenced and reasonably continued within six months from date of issuance.

Reviewed by: Linda Hird (Zoning) Brian Bergen (Plan Examination) JKOVACS (Issued by)

Applicant's Signature : _____ Date Issued : May 29, 2000

Attachment to Item 04 - "Appeal of Rejection of Variance Application Contrary to Plan Winnipeg for Vacant Land Located at the South East Corner of Symington Road and Esselmont Avenue"

ANDRE VAN DE WALLE
Land Surveys

#4-590 Roseberry Street
Winnipeg, Manitoba
R3H 0T1
Fax: 786-1657
Phone: 783-2007

Andre Van De Walle, M.L.S.
Res. Stonewall - - 467-2520

MEMBER

BUILDING LOCATION CERTIFICATE

TO: S. Marie Construction Ltd.
1819 Main Street
Winnipeg, MB R2V 2A2

Re: Symington Road

Date of Search: November 30, 2000
Certificate of Title No: 1463975
Registered Owner: Scott Wallace and Cheryl Wallace

Legal Description: Lot 10 Plan 2617 WLTO exc. Sly 150 feet of Ely 200 feet in Lots 87 to 94 Roman Catholic Mission Property.

ENCUMBRANCES: Instrument No. 's 2055786 and 2509027 are registered against the above mentioned Certificate of Title. Encumbrances noted herein are provided for information purposes only and have not been investigated as to their intent or extent.

As requested, measurements have been made to determine the position of a one storey stucco dwelling, numbered 250, on the West side of Symington Road, in the City of Winnipeg, Manitoba. Above ground level, this building is contained entirely within the limits described.

There are no encroachments onto the above described property above ground level by buildings from adjoining properties.

This survey was performed on the 28th day of November, 2000.

Signed and sealed this 30th day of November, 2000.

Andre Van De Walle, Manitoba Land Surveyor

NOTE: INSTALLATION OF SURVEY MONUMENTS AT PROPERTY CORNERS WAS NOT REQUESTED FOR THIS SURVEY.

Please refer to Page 2 for sketch.

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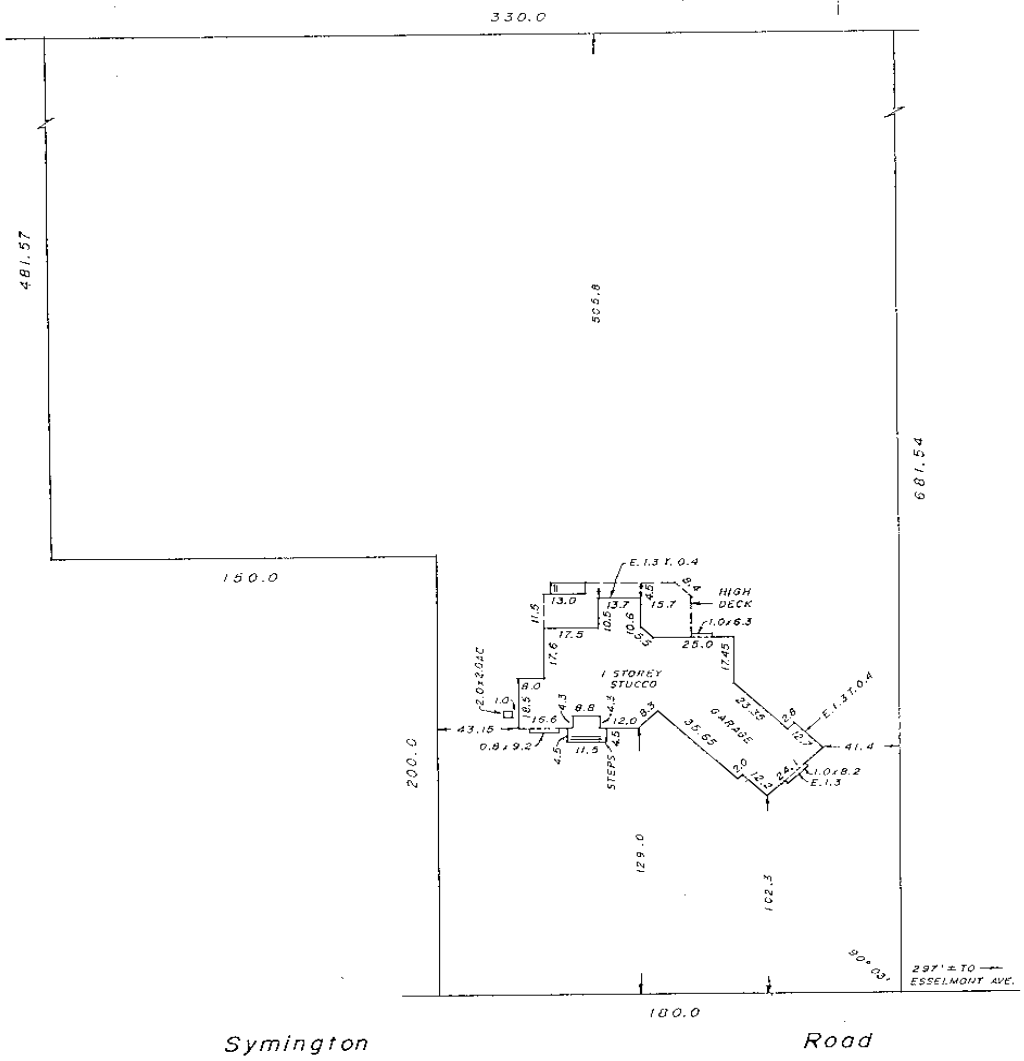
Attachment to Item 04 - "Appeal of Rejection of Variance Application Contrary to Plan Winnipeg for Vacant Land Located at the South East Corner of Symington Road and Esselmont Avenue"

ANDRE VAN DE WALLE
Land Surveys

#4-590 Roseberry Street
Winnipeg, Manitoba
R3H 0T1
Fax: 786-1657
Phone: 783-2007

Andre Van De Walle, M.L.S.
Res. Stonewall — 467-2520

MEMBER
SKETCH



Signed and sealed this 30th day of November, 2000.

Andre Van De Walle, Manitoba Land Surveyor

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IMPERIAL

Page 2 of 2 FB 452/149 File 10814/00A

Attachment to Item 04 - "Appeal of Rejection of Variance Application Contrary to Plan Winnipeg for Vacant Land Located at the South East Corner of Symington Road and Esselmont Avenue"

KILGOUR & LINKLATER

April 8, 1981

RE In the town of Transcona in the Province of Manitoba, and being the most southerly [illegible] feet in width of the most easterly 200 feet in depth of lot 10 which lot is shown on a plan of survey of part of the Roman Catholic Mission Property registered in the Winnipeg Land Titles Office as No. 2617

To,
Mr. Frank Melanchak
[illegible] 10 Symington Road
Winnipeg, Manitoba
[illegible] 2Z3

Dear [illegible]

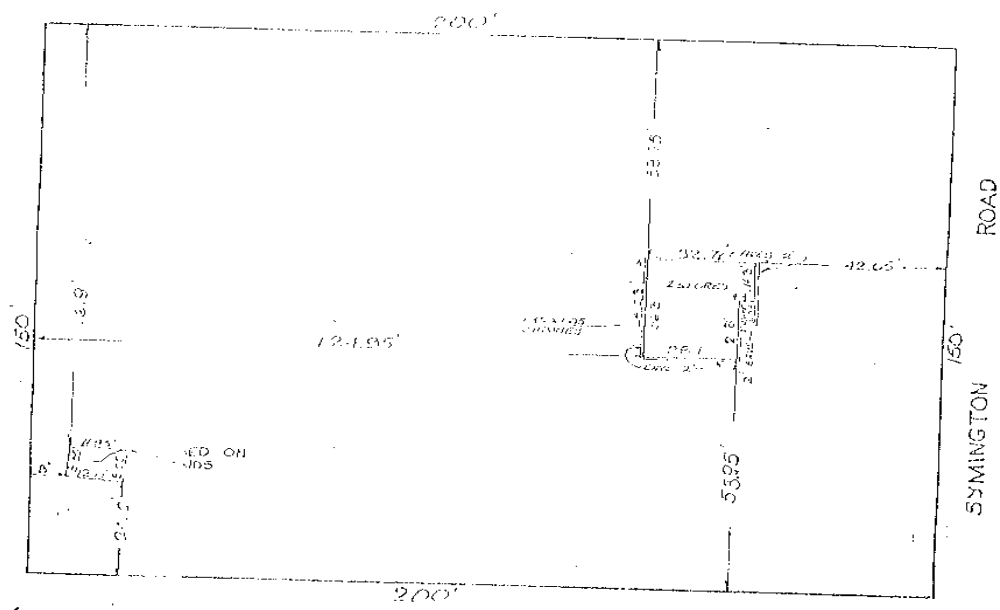
As requested, I have made the necessary measurements to determine the position of [illegible] a one storey dwelling numbered [illegible] on the West side of Symington Road in the City of Winnipeg, in Manitoba and find that the same above sidewalk level is contained entirely within the limits of the above described land. See sketch below.

There are no encroachments above sidewalk level on the above described land, by buildings from adjoining properties.

Yours truly,

R. F. Linklater
M.L.S.

SKETCH



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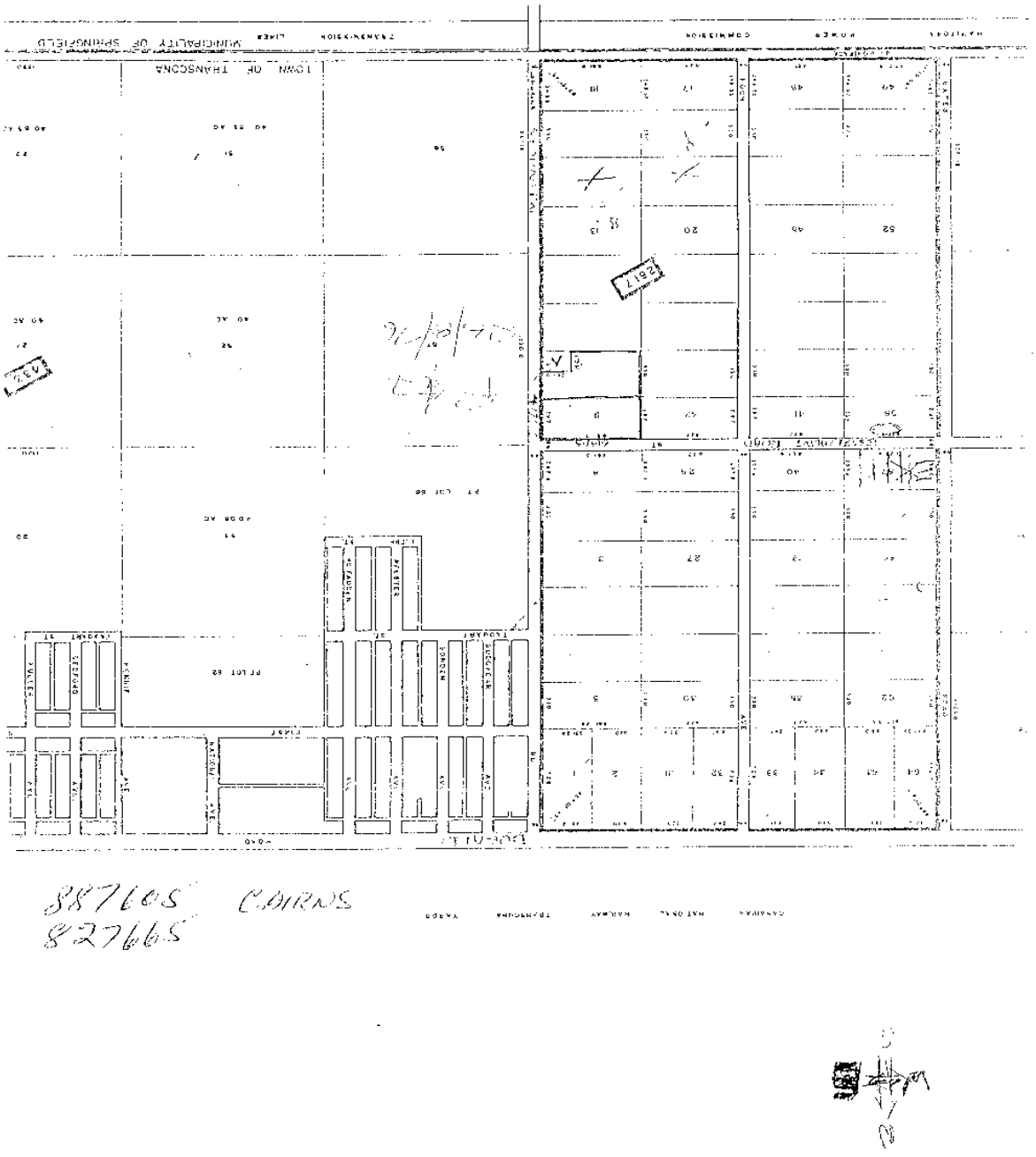

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THE CITY OF WINNIPEG • PLANNING, PROPERTY AND DEVELOPMENT DEPARTMENT

100 – 30 Fort Street • Winnipeg, Manitoba • R3C 4X7

No. 00 172085 000 00 GR

ZONING MEMORANDUM

To:

J. David George and Associates
108 Regent AVE E
Winnipeg, MB R2C 0C1

Your Reference: **#00-319 Attn: J. David George**

RE: **250 Symington RD**

Legal Description. **Lot 10 Plan 2617 WLTO exc. Sly 150 feet of Ely 200 feet in Lots 87 to 94 Roman Catholic Mission Property**

The above mentioned land is zoned **A**

It is subject to **City of Winnipeg Zoning By-law 6400/94 and amendments thereto.**

According to the Surveyor's Certificate prepared by **Andre Van De Walle Land Surveys** dated **Nov 30, 2000** submitted to me, it is my opinion that the buildings indicated thereon comply with the above By-law as to such yards and alignments.

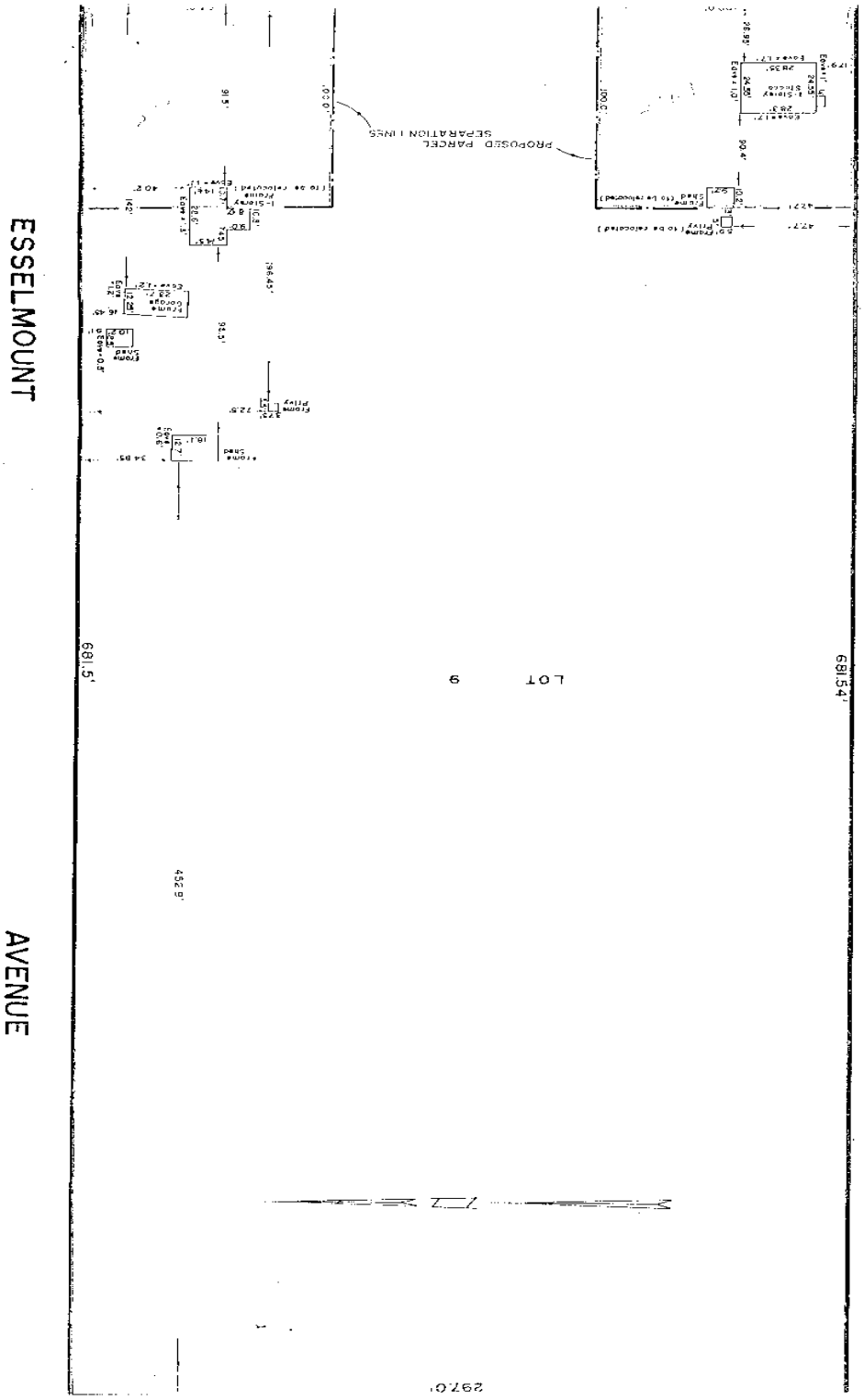
Remarks:

Date: **December 11, 2000**

Zoning Administrator

THIS ZONING MEMORANDUM IS NOT A CONFIRMATION OF ANY PERMITED USE OF LAND. THE ONLY CONFIRMATION OF A PERMITTED USE OF LAND IS AN OCCUPANCY PERMIT ISSUED BY THE PLANNING, PROPERTY AND DEVELOPMENT DEPARTMENT.

Attachment to Item 04 - "Appeal of Rejection of Variance Application Contrary to Plan Winnipeg for Vacant Land Located at the South East Corner of Symington Road and Esselmont Avenue"



Attachment to Item 04 - "Appeal of Rejection of Variance Application Contrary to Plan Winnipeg for Vacant Land Located at the South East Corner of Symington Road and Esselmont Avenue"

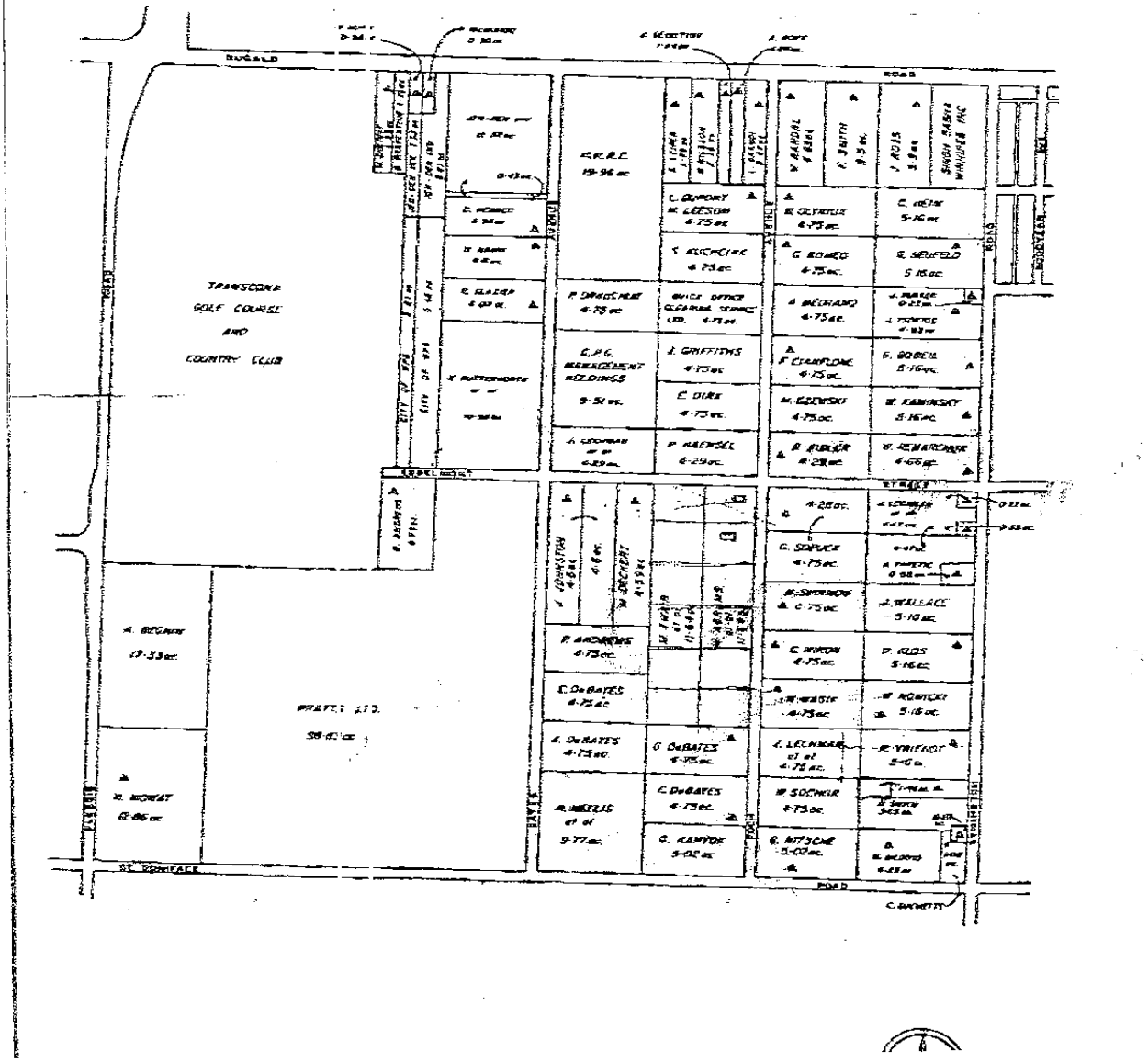
07/31/01 TUE 15:33 FAX 204 233 2611 OVERHEAD DOOR WPG 002

Dan Nelson

936-5065

PROPERTY OWNERSHIP

▲ - DENOTES APPROX. BLDG. LOCATIONS



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