Minute No. 451
Report – Standing Policy Committee on Property and Development – June 11, 2013

Item No. 2 Subdivision and Rezoning – 578 Jessie Avenue
(Fort Rouge-East Fort Garry Ward)
File DASZ 9/2013 [c/r DAV 108916/2013D]

COUNCIL DECISION:

Council concurred in the recommendation of the Standing Policy Committee on Property and Development and adopted the following:

1. That the plan of subdivision under File DASZ 9/2013 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 9/2013 dated May 7, 2013 with such minor changes as may be required, and registration in the Winnipeg Land Titles Office.

2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 9/2013 dated May 7, 2013 to an "R2" Residential Two-Family District, subject to the following conditions:

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

        i. That Lot 1 and Lot 2 shall be limited to a maximum of two (2) dwelling units each;

        ii. That for the development of any building or structure, plans shall be submitted, in substantial conformance to the plans submitted and attached and identified as Exhibit 7, showing the location and design of proposed buildings, the location and design of accessory parking areas, fencing, and landscaping to the Director of Planning, Property and Development and City Centre Community Committee for plan approval prior to the issuance of any building or development permits, and thereafter all to be constructed and maintained to the satisfaction of the Director of Planning, Property and Development.

3. 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.

Report – Standing Policy Committee on Property and Development – June 11, 2013

4. 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.

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

6. That the subdivision section of the by-law shall come into force and effect upon registration of the Plan of Subdivision in the Winnipeg Land Titles Office.

7. 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 subject lands, provided that the said effective date occurs within one year from the date by-law is passed.

8. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one (1) year from the date the by-law is passed, failing which 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 the one-year period and Council approves the extension.

9. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twelve (12) months after adoption of the by-law, 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 twelve (12) month period and the extension is subsequently approved by Council.

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

11. 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.

Report – Standing Policy Committee on Property and Development – June 11, 2013

DECISION MAKING HISTORY:

Moved by Councillor Browaty,

That the recommendation of the Standing Policy Committee on Property and Development be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On June 19, 2013, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the City Centre Community Committee, and submitted the matter to Council.

On June 11, 2013, the Standing Policy Committee on Property and Development concurred in the recommendation of the City Centre Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On May 14, 2013, the City Centre Community Committee concurred in the recommendation of Winnipeg Public Service and forwarded to the Standing Policy Committee on Property and Development.

RE: **Subdivision and Rezoning – 578 Jessie Avenue**
File DASZ 9/2013

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

Prepared by: **Andrew Poitras, Senior Committee Clerk**
City Centre Community Committee

Report date: **May 15, 2013**

COMMUNITY COMMITTEE RECOMMENDATION:

On May 14, 2013, the City Centre Community Committee concurred in the recommendation of the Winnipeg Public Service and recommended to the Standing Policy Committee on Property and Development:

1. That the plan of subdivision under File DASZ 9/2013 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 9/2013 dated May 7, 2013 with such minor changes as may be required, and registration in the Winnipeg Land Titles Office.

2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 9/2013 dated May 7, 2013 to an "R2" Residential Two-Family District, subject to the following conditions:

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

        i. That Lot 1 and Lot 2 shall be limited to a maximum of two (2) dwelling units each;

        ii. That for the development of any building or structure, plans shall be submitted, in substantial conformance to the plans submitted and attached and identified as Exhibit 7, showing the location and design of proposed buildings, the location and design of accessory parking areas, fencing, and landscaping to the Director of Planning, Property and Development and City Centre Community Committee for plan approval prior to the issuance of any building or development permits, and thereafter all to be constructed and maintained to the satisfaction of the Director of Planning, Property and Development.

3. 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.

4. 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.

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

6. That the subdivision section of the by-law shall come into force and effect upon registration of the Plan of Subdivision in the Winnipeg Land Titles Office.

7. 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 subject lands, provided that the said effective date occurs within one year from the date by-law is passed.

8. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one (1) year from the date the by-law is passed, failing which 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 the one-year period and Council approves the extension.

9. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twelve (12) months after adoption of the by-law, 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 twelve (12) month period and the extension is subsequently approved by Council.

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

11. 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.

The City Centre Community Committee provided the following supporting reason for its recommendation:

1. There has been a commitment from this developer not to have further duplexes or development on this particular block.

2. There are minimal variances in terms of acceptable back and front yard setbacks.

PUBLIC HEARING SUMMARY

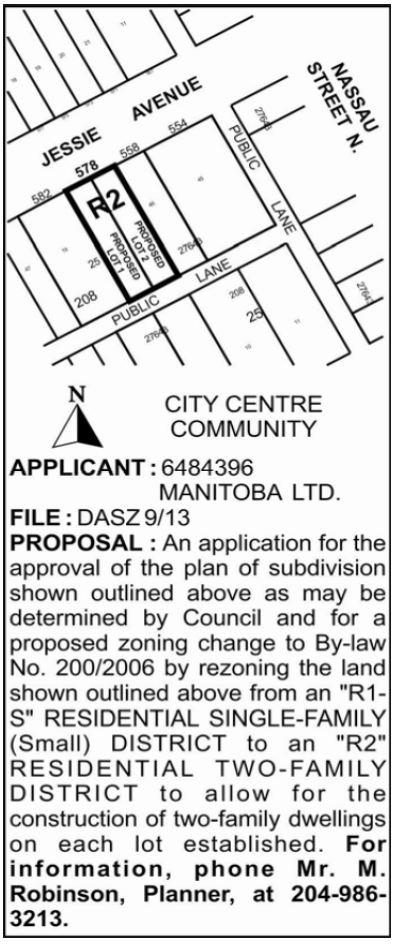
File: DASZ 9/2013

Before: City Centre Community Committee
Councillor Orlikow, Chairperson
Councillor Gerbasi
Councillor Smith

Public Hearing: May 14, 2013
Council Building, 510 Main Street

Applicant: 6484396 Manitoba Ltd. (Daniel MacGibbon)

Subject:



Premises Affected: 578 Jessie Avenue

Exhibits Filed: 1. Application dated March 1, 2013

2. Notification of Public Hearing dated March 20, 2013
3. Manitoba Status of Title 2602373/1
4. Letter of authorization dated February 21, 2013 from Liqiang Liao, 6484396 Manitoba Ltd. to Daniel MacGibbon
5. Letter of authorization dated February 21, 2013 from Yaron Walter, 6484396 Manitoba Ltd. to Daniel MacGibbon
6. Drawing of subject property
7. Plans (12 pages)
8. Report from the Planning and Land Use Division dated May 7, 2013
9. Inspection Report
10. Communication dated May 10, 2013, from Riley Barkman in opposition to the application
11. Plans (7 pages) submitted by the applicant at the public hearing
12. Presentation in opposition to the application submitted by Patricia Holbrow, on behalf of Cheryl Hobbs, at the public hearing
13. Audio Recording of representations

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

REPRESENTATIONS:

In Support:

Daniel MacGibbon
Gord Steeves

In Opposition

Riley Barkman
Cheryl Hobbs
Patricia Holbrow

For Information:

Nil

For the City:

Mr. M. Robinson, Senior Planner, Planning, Property and Development Department

Exhibit "8" referred to in File DASZ 9/2013

ADMINISTRATIVE REPORT

Title: DASZ 9/2013 – 578 Jessie Avenue

Issue: For consideration at the public hearing for a Rezoning and Subdivision for DASZ 9/2013 – 578 Jessie Avenue

Critical Path: City Centre Community Committee as per the Development Procedures By-law and *The City of Winnipeg Charter.*

AUTHORIZATION

Author	Department Head	CFO	CAO
B. Smith	n/a	n/a	

RECOMMENDATIONS

1. That the plan of subdivision proposed under File DASZ 9/2013 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 9/2013 dated May 7, 2013 with such minor changes as may be required, and registration in the Winnipeg Land Titles Office.

2. That The Winnipeg Zoning By-law No. 200/06 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 9/2013 dated May 7, 2013 to an "R2" Residential Two-Family District, subject to the following conditions:

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

      i. That Lot 1 and Lot 2 shall be limited to a maximum of two (2) dwelling units each;
      ii. That for the development of any building or structure, plans shall be submitted, in substantial conformance to the plans submitted and attached and identified as Exhibit 7, showing the location and design of proposed buildings, the location and design of accessory parking areas, fencing, and landscaping to the Director of Planning, Property and Development and City Centre Community Committee for plan approval prior to the issuance of any building or development permits, and thereafter all to be constructed and maintained to the satisfaction of the Director of Planning, Property and Development.

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8. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one (1) year from the date the by-law is passed, failing which 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 the one-year period and Council approves the extension.

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

11. 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.

REASON FOR THE REPORT

The Report is being submitted for the Committee's consideration of the development application at the Public Hearing.

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations of the Planning and Land Use Division are concurred in, the property will be rezoned and permits may be issued.

CONSULTATION

In preparing this Report there was consultation with:
N/A

SUBMITTED BY

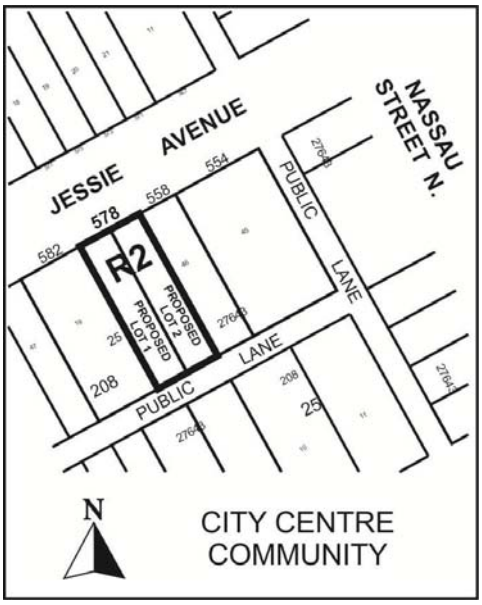
Department	*Planning, Property and Development*
Division	*Planning and Land Use*
Prepared by	Michael Robinson, AICP, MCIP
Date:	May 7, 2013
File No.	DASZ 9/2013

APPENDIX 'A'

DATE: May 7, 2013
FILE: DASZ 9/2013
RELATED FILES: DAV 13-108916/D
COMMUNITY: City Centre Community
NEIGHBOURHOOD #: 1.106

SUBJECT: To rezone the subject land from a "R1-S" Residential Single-Family District to an "R2" Residential Two-Family District

LOCATION: 578 Jessie
LEGAL DESCRIPTION: Lot 18 Blk 25 Plan 208



APPLICANT: 6484396 Manitoba Ltd.

OWNER: 6484396 Manitoba Ltd.

RECOMMENDATION: Approval

SITE DESCRIPTION

The subject property, which is zoned "R1-S" Residential Single-Family District, is located on Jessie Avenue, between Daly and Nassau Streets, in the Earl Grey neighbourhood of the Fort Rouge – East Fort Garry ward.

North: Residences zoned "R1-S" Residential Single-Family District
South: Residences zoned "R1-S" Residential Single-Family District
East: Residences zoned "R1-S" Residential Single-Family District
West: Residences zoned "R1-S" Residential Single-Family District

DESCRIPTION OF THE PROPOSED DEVELOPMENT
The applicant seeks approval to subdivide the subject property into two – 25 foot wide lots and rezone them to an "R2" Two-Family Residential District, in order to construct two duplexes.

Reason for application
In order to construct duplexes, the properties must be subdivided and rezoned from the current "R1-S" Residential Single-Family District to an "R2" Residential Two-Family District.

ANALYSIS AND ISSUES

OurWinnipeg/Complete Communities
A. Policies
i. OurWinnipeg (Complete Communities Direction Strategy)
This portion of the Earl Grey neighbourhood is designated as an Area of Stability. Policies which are relevant to this application are as follows:

1) Support low to moderate change in low-density neighbourhoods through development and redevelopment that is complimentary to the existing scale, character, and built form

2) Promote the form of buildings and spaces that are sensitive to the community context and address the transition between new and existing developments

3) In order to meet the full life cycle of housing needs within the community, promote a mix of housing type and tenure, such as duplexes, low rise apartments, secondary suites, semi-detached homes, and townhouses.

4) Provide clarity and promote compatibility between existing developments and new developments through design and development standards, such as creation of *Infill Development Guidelines for Multiple-Family Developments in Low Density Neighbourhoods*

The proposed rezoning is consistent with OurWinnipeg and The Complete Communities Direction Strategy

B. Context
While predominantly single-family residential, the Earl Grey neighbourhood contains a variety of different housing types and forms, including duplexes, several apartment buildings and a care home. The subject block of Jessie Avenue, between Daly and Nassau Streets, currently has five (5) duplexes, according to City records:

588 Jessie (25 foot wide lot)
593 Jessie (37 foot wide lot)
596 Jessie (25 foot wide lot)
600-602 Jessie (48 foot wide lot)
612 Jessie (25 foot wide lot)

In addition, the City recently approved a rezoning for a duplex at 589 Jessie Avenue (DAZ 213/2012), which is a 25 foot wide lot, and a subdivision and rezoning at 604 Jessie Avenue and 582 Jessie, to allow the subdivision of 50 foot lots into 25 foot lots and to permit a duplex on each lot.

Immediately behind the subject property, on Warsaw Street, is a 4 unit multi-family building (567 Warsaw) and an 11 unit multi-family building (573 Warsaw).

Lot split
The applicant is proposing to split the subject 50 foot wide lot into two 25 foot wide lots. On the subject block of Jessie Avenue, there are currently 16- 25 foot wide lots out of a total of 30 lots.[1] Consequently, the proposed lot sizes are consistent with the established pattern of the neighbourhood.

C. Urban Design
Draft Infill Development Guidelines
Below are the applicable guidelines for this project from the *Draft Infill Guidelines* and a discussion of how they have been addressed by the applicant.

Guideline #1
2.2.2 iii) Establish rear yard setbacks that are consistent with the pattern of the neighbourhood

The principal reason for the rear yard setback is to allow for privacy and sunlight penetration at the rear of properties.

It should be noted that on this block, most properties have rear yard setbacks of ±50 feet or more. The proposed development will have a rear yard setback of 50 feet 6 inches. Consequently, the proposed rear yard setback will be consistent with the setback of many properties on the street.

Guideline #2
2.2.2 iv) Front yard setbacks should respect the established street pattern by providing setbacks typical of the neighbourhood

The proposed front yard setback is 20 feet, which complies with the front yard alignment set by the Winnipeg Zoning By-law for this property.

Guideline #3
2.2.3 i) The main building façade should be oriented to face the public street and encourage opportunities for informal surveillance and human activity on the street

The proposed developments orient entrances to two of the units to Jessie Avenue.

Guideline #4
5.2 i) Massing and height of new buildings should take into consideration the area context

Height
The Zoning By-law allows a maximum height of 35 feet, which is measured from the mid-point of a sloped roof. Consequently, the actual height may be several feet higher than this, depending on the slope of the roof.

[1] When the subdivision of 604 Jessie and 582 Jessie are completed, there will be 20 – 25 foot wide lots

In this instance, both properties will be 35 feet at the mid-point of the roof and 37.2 feet to the highest point on the roof.

The height will be approximately 8 feet less than the apartment building to the immediate east and approximately 7 feet higher than the duplexes (that were recently approved) to the west.

It will be approximately 10-20 feet higher than a number of single-family homes directly across the street.

Directly across the back lane, it will be approximately the same height as the 11 unit multi-family building (573 Warsaw) and approximately 10 feet higher that the 4 unit multi-family building (567 Warsaw).

D. Conditions

While the subject property is appropriate for a duplex, the subject block is primarily zoned single-family residential and a multi-family dwelling (3 units and up) would be inconsistent with the current zoning and density that exists mid-block on the subject block. Consequently, it is recommended that each lot be limited to a two-family dwelling through a zoning agreement.

Accordingly, if a future property owner was to seek approval for a multi-family dwelling, it would require a zoning amendment agreement and a public hearing at City Centre Community Committee rather than a conditional use and public hearing at the Board of Adjustment.

Plan Approval

It is recommended that final plans be approved by City Centre Community Committee and the Director of PP&D, prior to the issuance of permits. It is expected that the final design will be in substantial conformance with the revised plans that were shown to the committee.

E. Public Consultation

The applicant indicated that they held an open house at their office on December 12, 2012, in which no one attended.

RECOMMENDATIONS

The Planning and Land Use Division recommends approval for the following reasons:

- The rezoning is consistent with OurWinnipeg and Complete Communities Direction Strategy
- There are currently five duplexes on the subject block as well as one lot that was recently rezoned for a duplex (589 Jessie) and two lots that were split to permit two duplexes each (604 and 582 Jessie)

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

Report Prepared by: Michael Robinson, AICP, MCIP
PPD File # DASZ 9/2013

APPENDIX "A"

Schedule "A" for File No. DASZ 9/2013, City Centre Community Committee, dated May 7, 2013

By-Law No. _____

File No. **DASZ 9/13**

Explanation

An application for the approval of the plan of subdivision shown outlined below and for a proposed zoning change to By-law No. 200/2006 by rezoning the land located at 578 Jessie Avenue from an "R1-S" RESIDENTIAL SINGLE-FAMILY (Small) DISTRICT to an "R2" RESIDENTIAL TWO-FAMILY DISTRICT to allow for the construction of two-family dwellings on each lot established as shown outlined below.

Atlas Sheet No.

N

AC24 CITY CENTRE COMMUNITY



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

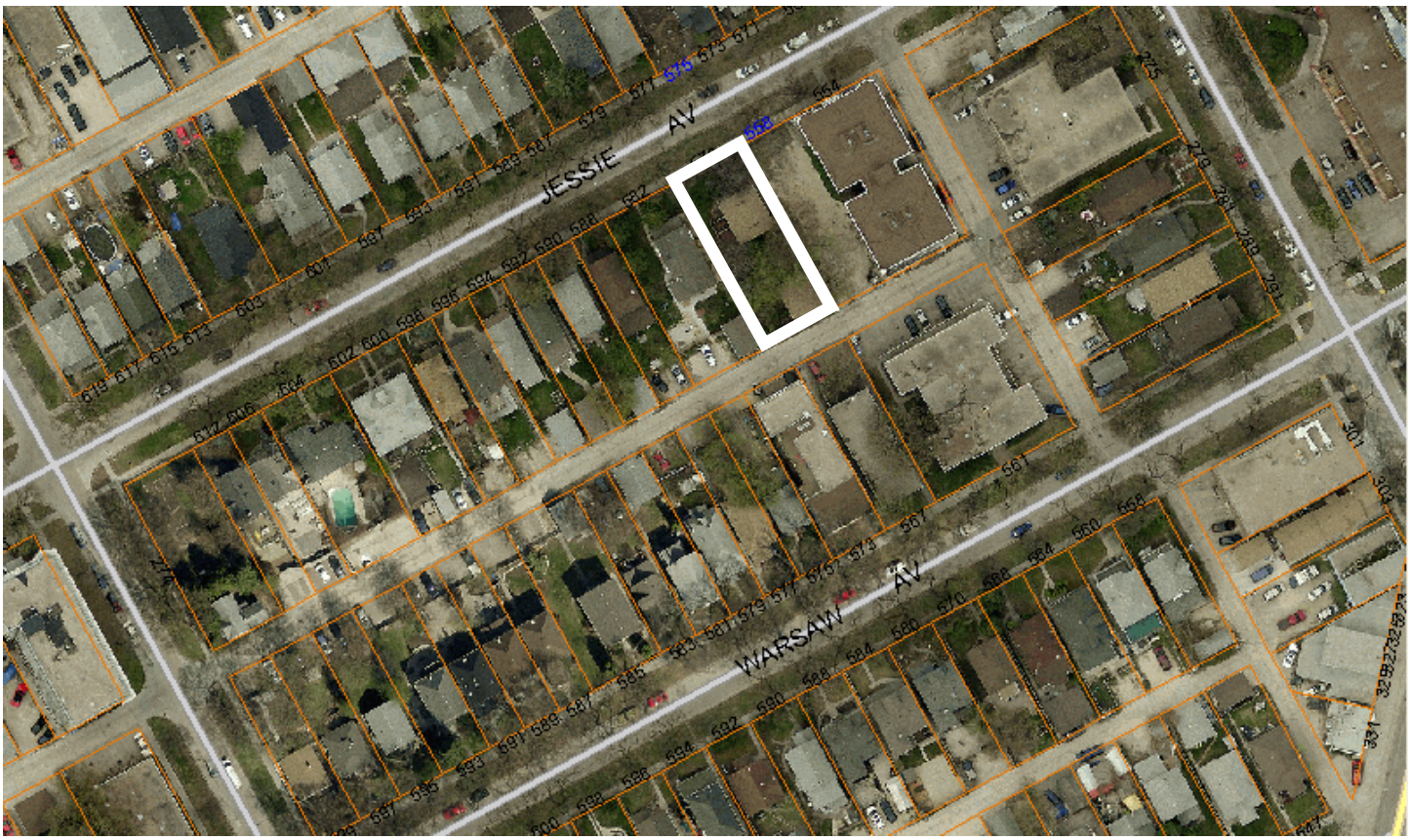
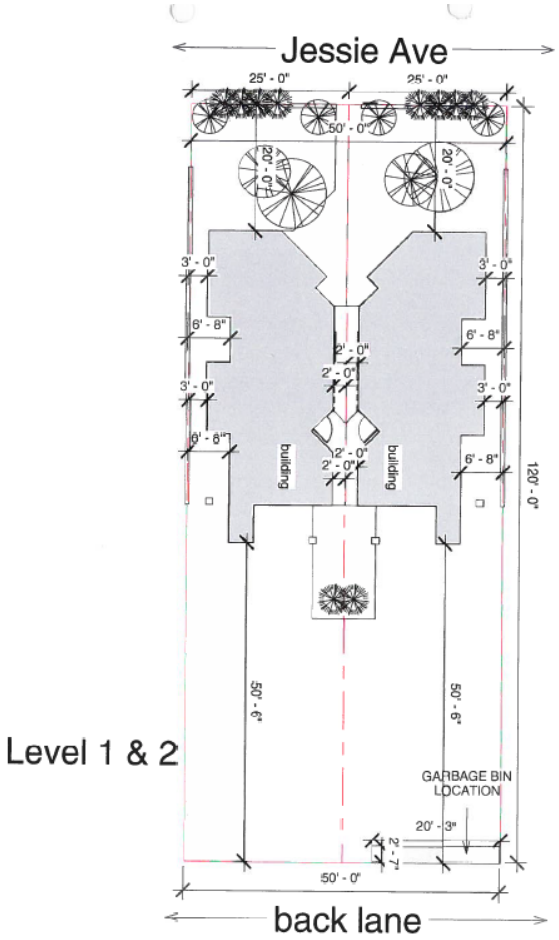
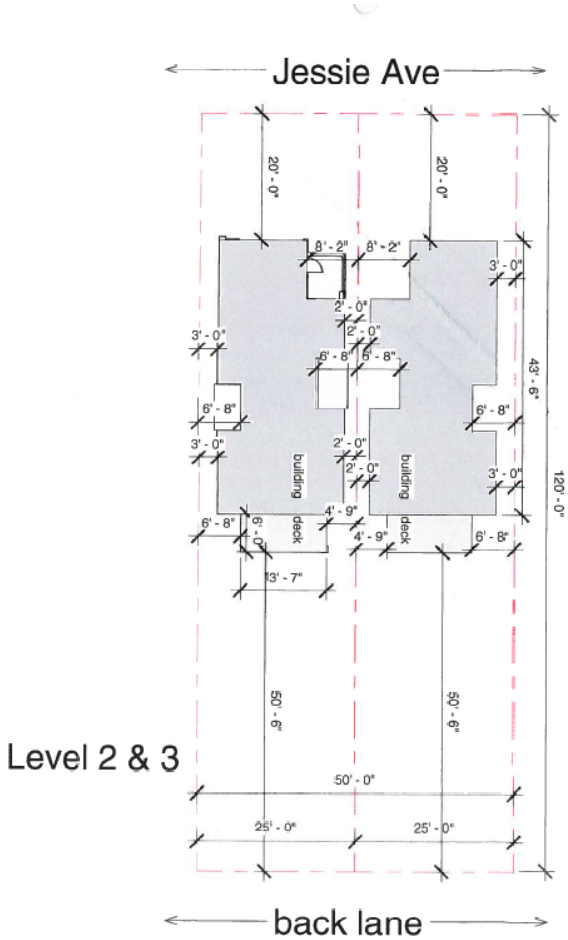
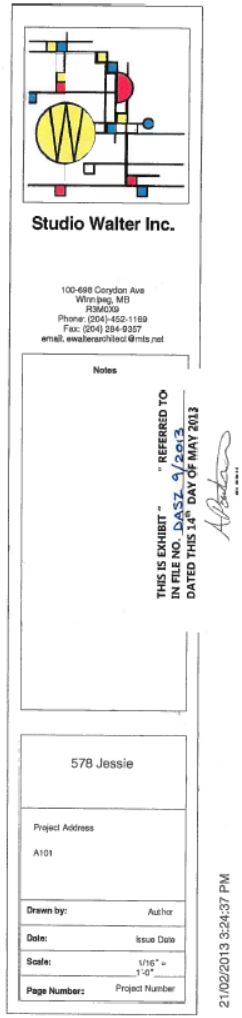


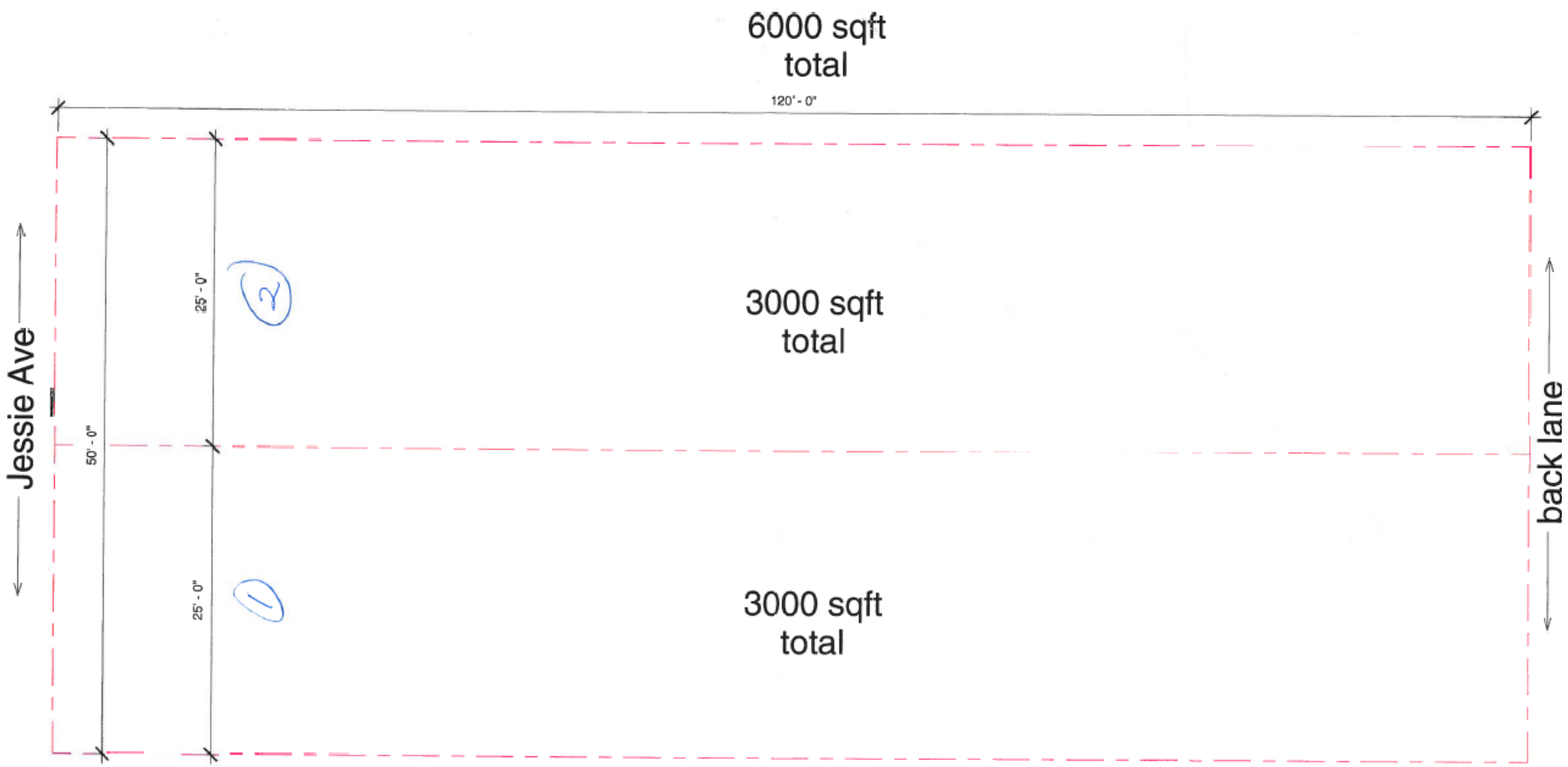
Figure 1: Aerial Photo (Flown in 2012)

Exhibit "7" referred to in File DASZ 9/2013





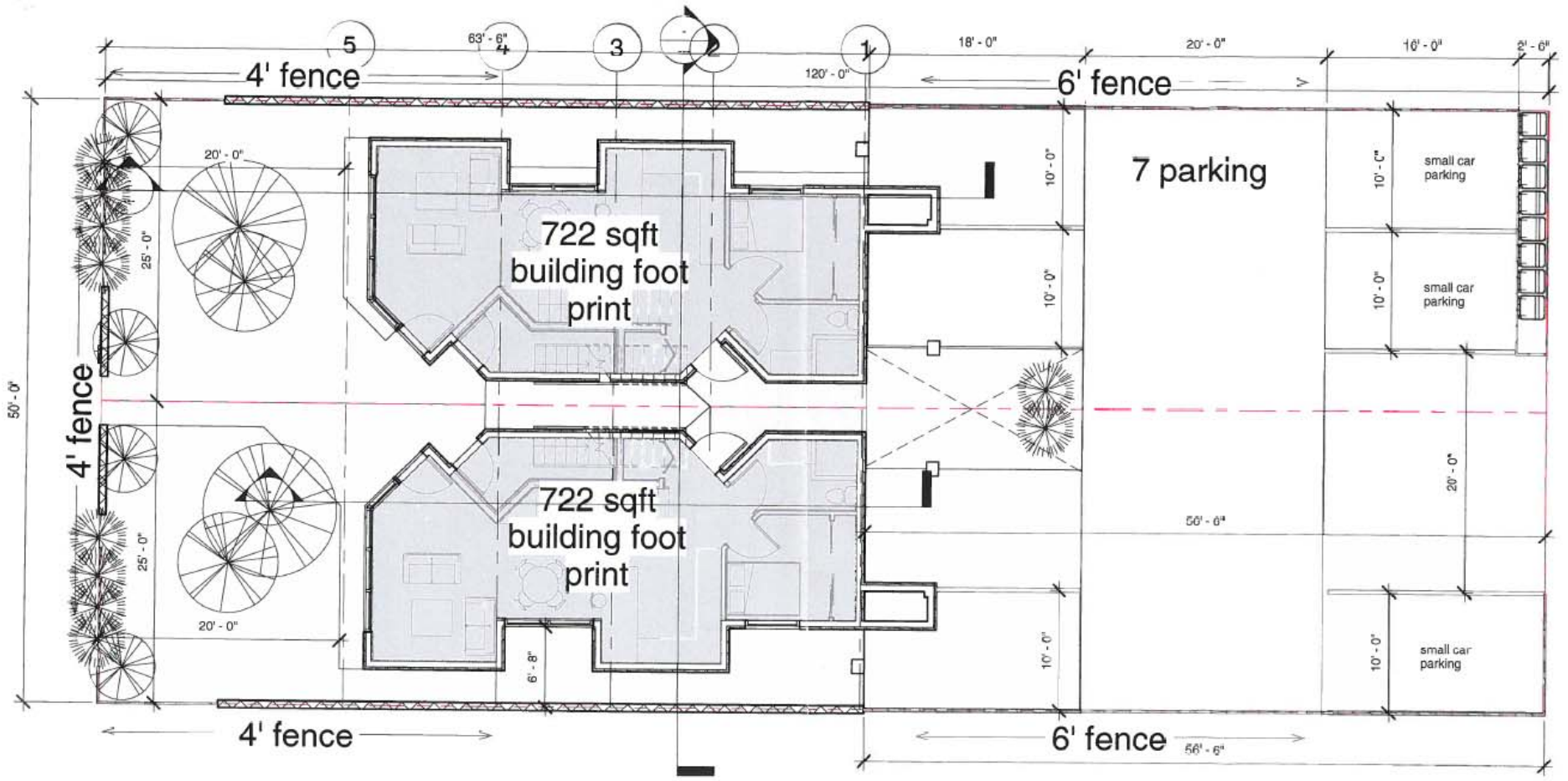




Studio Walter Incorporated
100-698 Corydon Ave Winnipeg, MB R3M 0X9
Phone: (204) 452-1169 Fax: (204) 284-9357
email: ewalterarchitect@mts.net

578 Jessie
Project Address: 578 Jessie Ave.
Lot division

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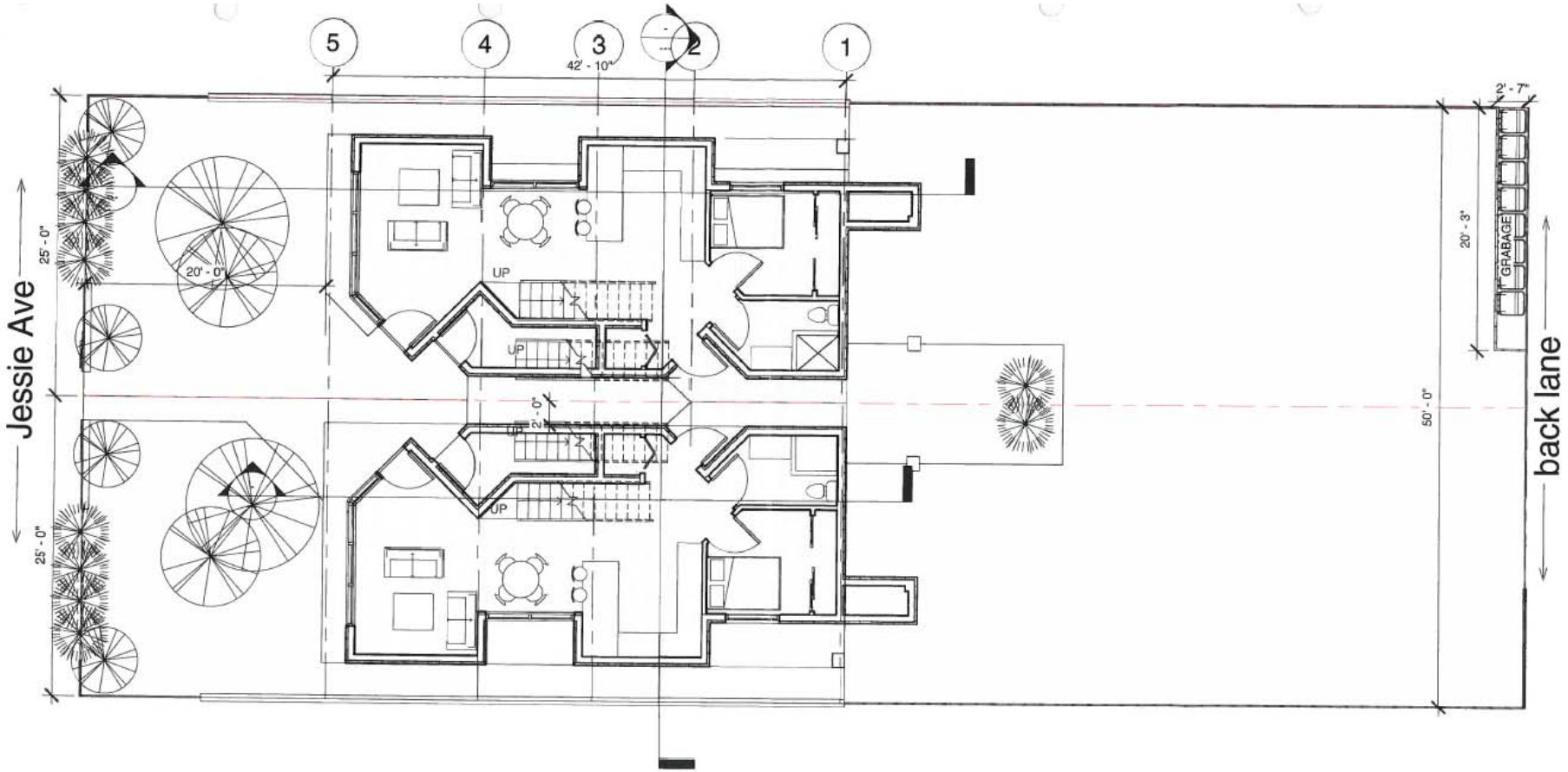


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email: ewalterarchitect@mts.net

578 Jessie
Project Address: 578 Jessie Ave.
grade

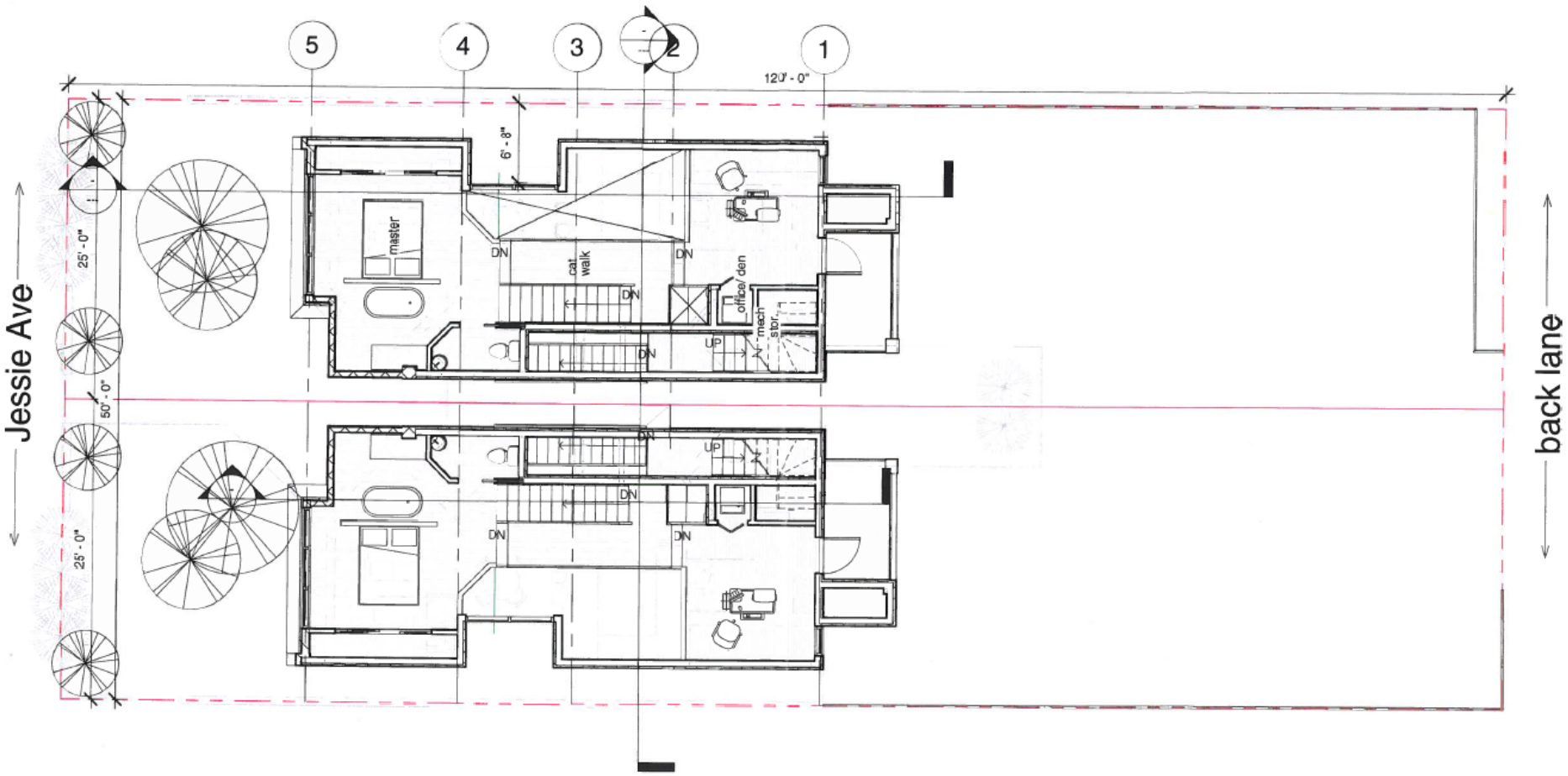
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Phone: (204) 452-1169 Fax: (204) 284-9357
email: ewalterarchitect@mts.net

578 Jessie
Project Address: 578 Jessie Ave.
Level 1

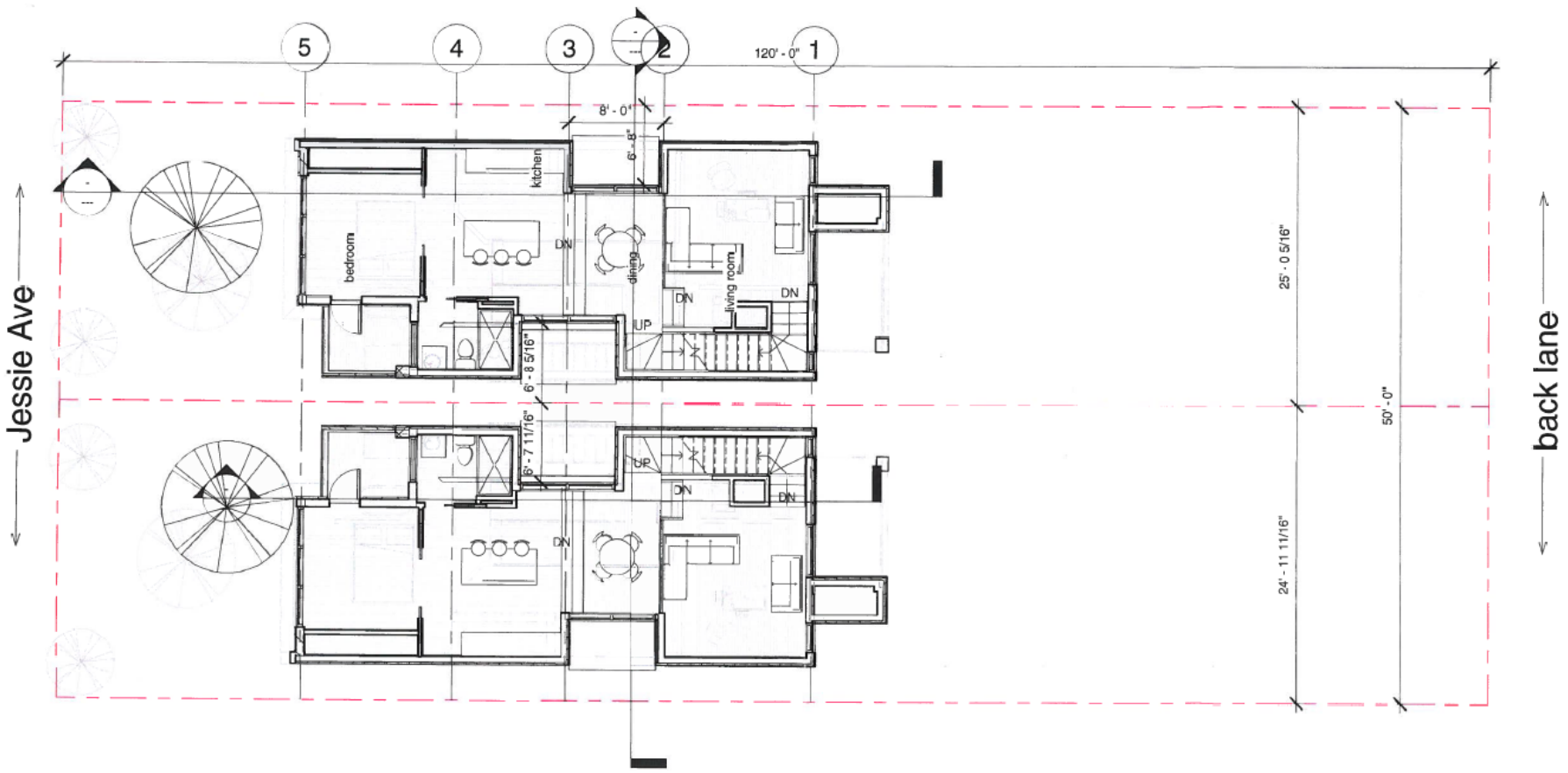
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Studio Walter Incorporated
100-698 Corydon Ave Winnipeg, MB R3M 0X9
Phone: (204) 452-1169 Fax: (204) 284-9357
email: ewalterarchitect@mts.net

578 Jessie
Project Address: 578 Jessie Ave.
Level 1.5

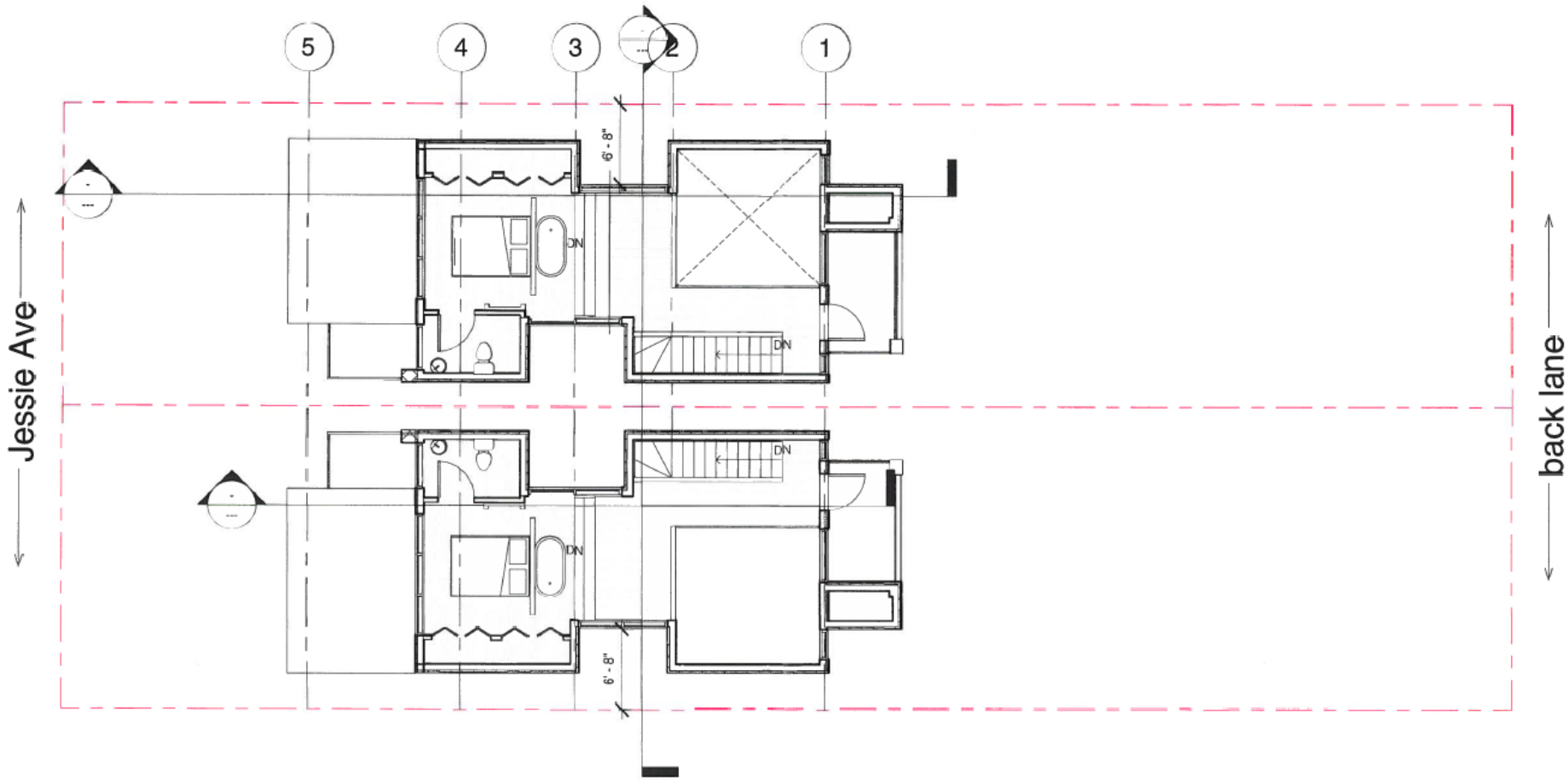
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100-698 Corydon Ave Winnipeg, MB R3M 0X9
Phone: (204) 452-1169 Fax: (204) 284-9357
email: ewalterarchitect@mts.net

578 Jessie
Project Address: 578 Jessie Ave.
Level 2.0

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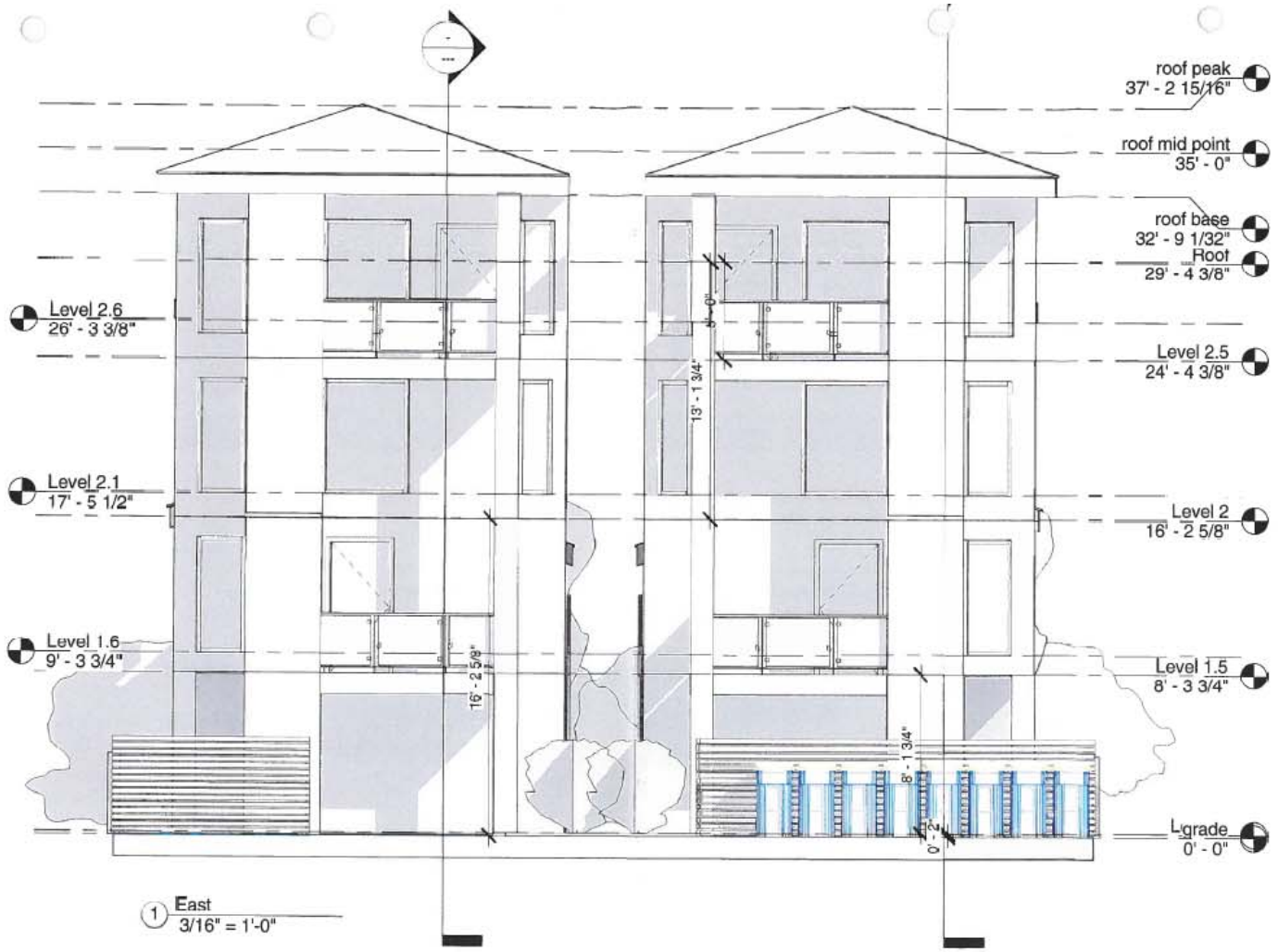


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578 Jessie
Project Address: 578 Jessie Ave,
Level 2.5

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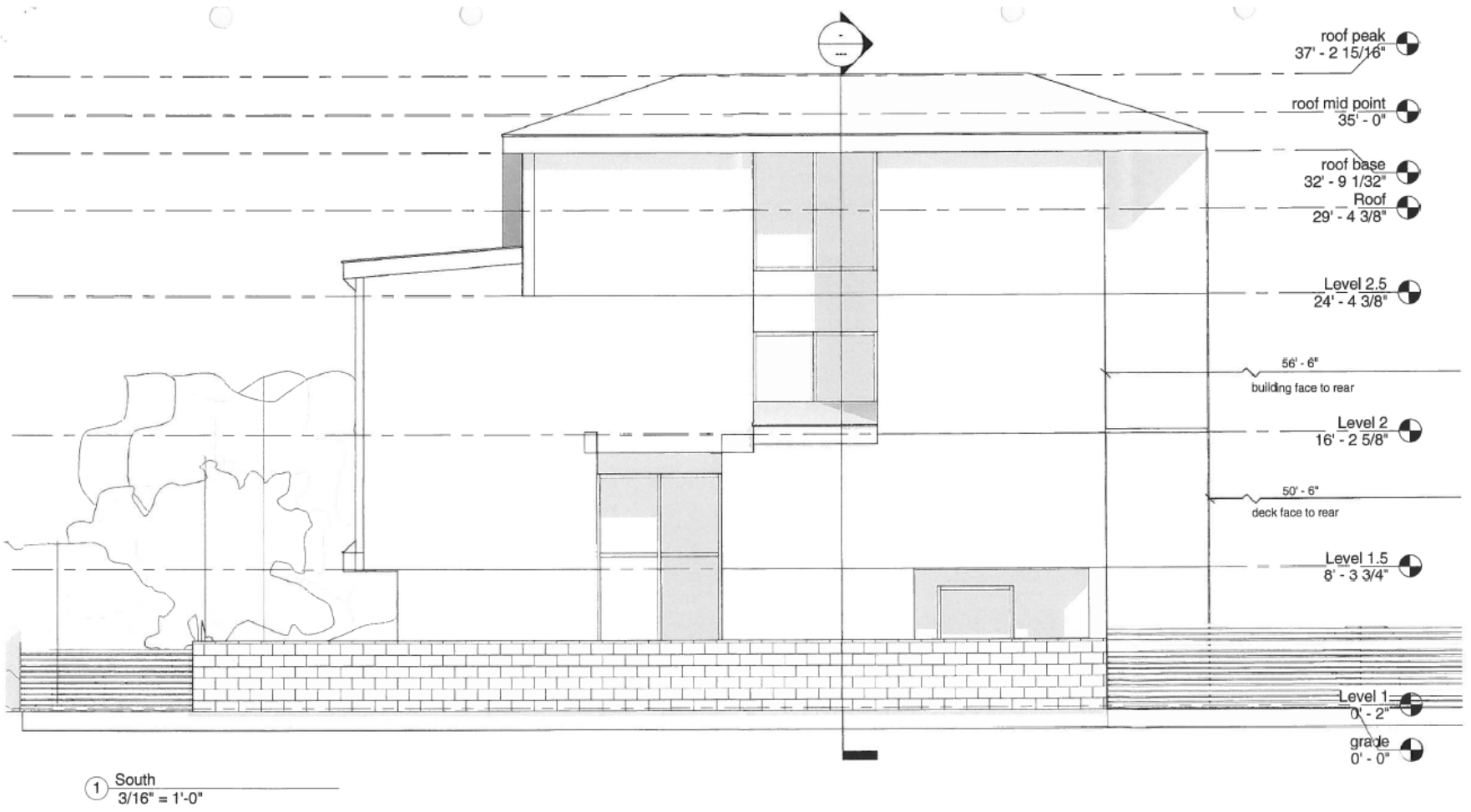


Studio Walter Incorporated

100-698 Corydon Ave Winnipeg, MB R3M 0X9
Phone: (204) 452-1169 Fax: (204) 284-9357
email: ewalterarchitect@mts.net

578 Jessie
Project Address: 578 Jessie Ave
elevation east

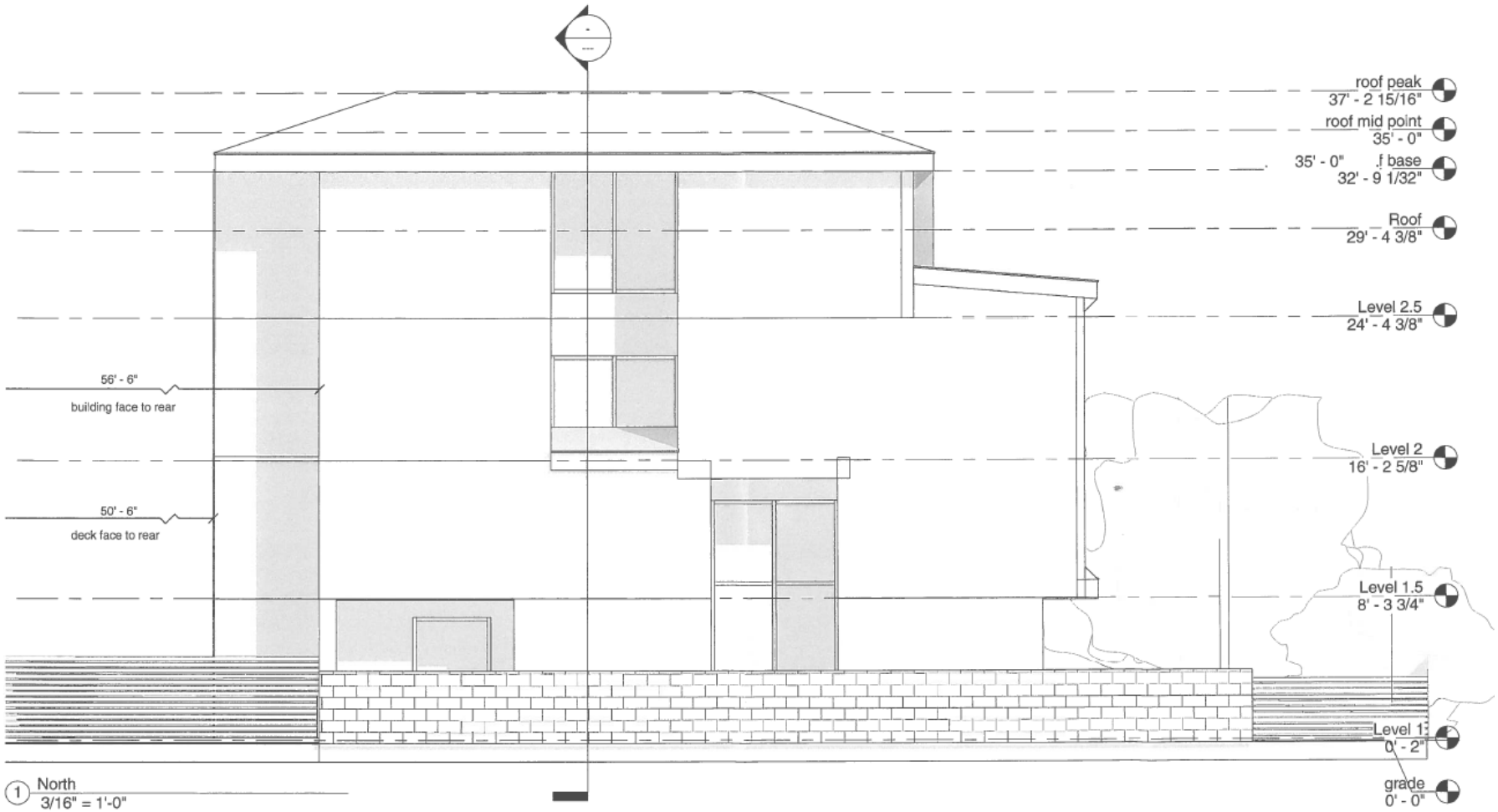
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Phone: (204) 452-1169 Fax: (204) 284-9357
email: ewalterarchitect@mts.net

578 Jessie
Project Address: 578 Jessie Ave
elevations south

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email: ewalterarchitect@mts.net

578 Jessie
Project Address: 578 Jessie Ave.
elevations north

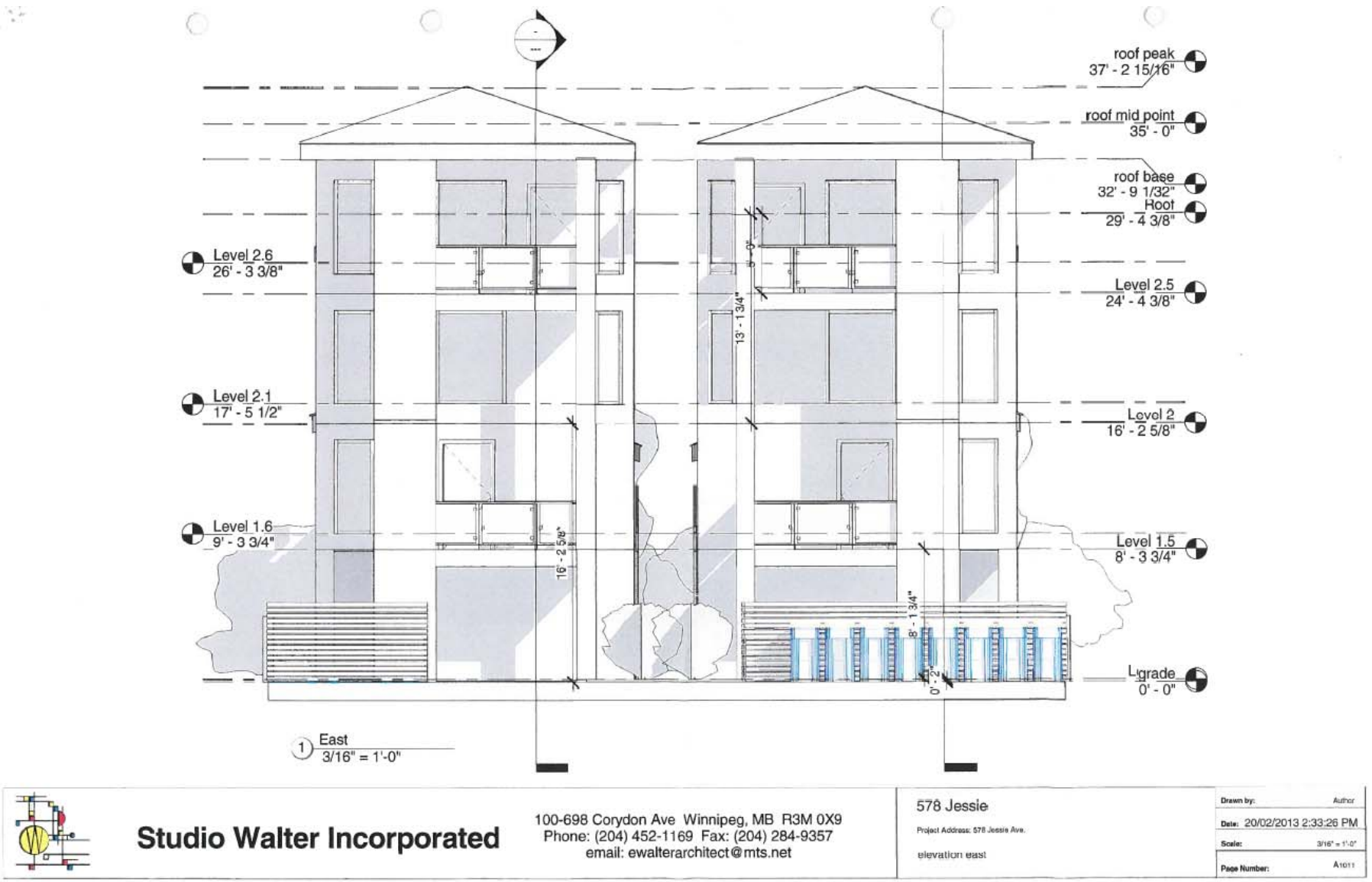
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100-698 Corydon Ave Winnipeg, MB R3M 0X9
Phone: (204) 452-1169 Fax: (204) 284-9357
email: ewalterarchitect@mts.net

578 Jessie
Project Address: 578 Jessie Ave
elevation west

Drawn by:	Author
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Page Number:	A1014



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100-698 Corydon Ave Winnipeg, MB R3M 0X9
Phone: (204) 452-1169 Fax: (204) 284-9357
email: ewalterarchitect@mts.net

578 Jessie
Project Address: 578 Jessie Ave.
elevation east

Drawn by:	Author
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