Minutes – Standing Policy Committee on Downtown Development, Heritage and Riverbank Management – April 10, 2015

PUBLIC HEARINGS

Item No. 3 Appeal - Variance – 219 Main Street
(Fort Rouge-East Fort Garry Ward)
File DAV 108045A/2015B [c/r DCU 108045A/2015B]

COMMITTEE DECISION:

Due to a tie vote, in accordance with Rule 54 of The Procedure By-law No. 50/2007, the appeal is denied.

Accordingly, the February 26, 2015 decision of the Director of Planning, Property and Development to reject a Variance on "the land" for the construction of a restaurant having a building height of 21.4 feet (6.52 metres) remains in effect.

DECISION MAKING HISTORY:

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

Moved by Councillor Gerbasi,

That the report of the Winnipeg Public Service be taken as read.

Carried

Moved by Councillor Gerbasi,

That the receipt of public representations be concluded.

Carried

Moved by Councillor Gerbasi,

That in accordance with Subsection 247(3) of The City of Winnipeg Charter, the Variance,

(a) [ ] is consistent [√] is not consistent
with Plan Winnipeg, and any applicable secondary plan;

(b) [ ] does not create [√] does create
a substantial adverse effect on the amenities, use, safety and convenience of the adjoining property and adjacent area, including an area separated from the property by a street or waterway;

(c) [ ] is [√] is not
the minimum modification of a zoning by-law required to relieve the injurious effect of the zoning by-law on the applicant's property; and

(d) [ ] is [√] is not
compatible with the area in which the property to be affected is situated.

DECISION MAKING HISTORY (continued):

Supporting Comments:

1. The by-laws in place do not permit this use.
2. We have created planning by-laws and we must uphold them.

Carried

Moved by Councillor Gerbasi,

That the appeal be denied and the decision of the Director of Planning, Property and Development be concurred in and Variance Order DAV 108045/2015B be confirmed.

The motion was put and in view of a tie vote, was declared lost in accordance with Rule 54 of The Procedure By-law No. 50/2007.

Moved by Councillor Gerbasi,

That the public hearing with respect to this appeal be concluded.

Carried

Winnipeg

THE CITY OF WINNIPEG
VARIANCE APPEAL ORDER
STANDING POLICY COMMITTEE ON DOWNTOWN DEVELOPMENT, HERITAGE AND RIVERBANK MANAGEMENT

DAV 108045A/2015B [c/r DCU 108045A/2015B]

Before:	Standing Policy Committee on Downtown Development, Heritage and Riverbank Management Councillor Mayes, Chairperson Councillor Browaty Councillor Gerbasi Councillor Orlikow
Hearing:	April 10, 2015 Council Building 510 Main Street
Applicant:	Arccadd Architecture Inc. (Melody Stewart)
Premises Affected:	219 Main Street
Legal Description:	PCL Q PLAN 22557 1/3 & 6 ST J PCL A, B PLAN 55243 1 ST J, hereinafter called "the land"
Property Zoned:	"M" Multiple Use Sector
Nature of Application:	To vary the "M" Multiple Use Sector regulations of Downtown Zoning By-law No. 100/2004 for the construction of a restaurant to permit a building height of 21.4 feet (6.52 metres) instead of a minimum building height of 35 feet (10.67 metres).

ORDER MADE BY THE DIRECTOR OF PLANNING, PROPERTY AND DEVELOPMENT:

The Director of Planning Property and Development rejected a Variance, File DAV 108045/2015B, to Arccadd Architecture Inc. (Melody Stewart), for premises located at219 Main Street, for the construction of a restaurant having a building height of 21.4 feet (6.52 metres) instead of a minimum building height of 35 feet (10.67 metres).

Pursuant to the provisions of The City of Winnipeg Charter, McKinley Burkart Architects Inc. (Walker McKinley), appealed the Variance Order DAV 108045/2015B and after Notice, the appeal was heard on April 10, 2015.

After considering the evidence adduced and submissions made, the Standing Policy Committee on Downtown Development, Heritage and Riverbank Management voted on the question of whether the proposed Variance meets the statutory criteria as outlined in Subsection 247(3) of The City of Winnipeg Charter (listed below):

(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.

The result was a tie vote. Section 54 of The Procedure By-law No. 50/2007 provides that a question on which there is a tie vote is deemed to be lost. Since the resulting deemed decision was that the criteria on the appeal have not been met, the Variance may not be approved. Therefore the appeal of the Director of Planning Property and Development's decision to reject the Variance was denied.

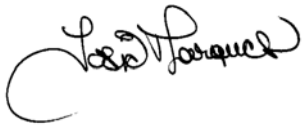
ORDER:

Due to a tie vote, in accordance with Rule 54 of The Procedure By-law No. 50/2007, the appeal was denied.

Accordingly, Variance Order DAV 108045/2015B dated February 26, 2015, remains in effect.

DATE OF ORDER: April 15, 2015

CERTIFIED BY:



Josie Marques
Senior Committee Clerk

THE FOLLOWING PERSONS MADE REPRESENTATIONS:

In Support of the Appeal:

Melody Stewart
Kirsten Bray
Lisa Frederick
Russell Kleisinger
Walker McKinley
Judith Macdougall
Liyan Wong
KK N Pinkowski

In Opposition to the Appeal:

Nil

For Information on the Appeal:

Gaelen Pierce
Rakvinder Hayer
Evan Allan

For the City:

Mr. M. Pittet, Acting Director of Planning, Property and Development
Mr. J. Veitch, Principal Planner, Planning, Property and Development Department
Mr. K. Kowalke, Senior Planner, Planning, Property and Development Department

EXHIBITS FILED FOR DAV 108045A/2015B

1. Order DAV 108045/2015B dated February 26, 2015
2. Notice of Appeal filed by Walker McKinley, McKinley Burkart Architects Inc. received March 10, 2015
3. Notification of Public Hearing dated March 24, 2015
4. Manitoba of Status Nos. 1232196/1, 1232200//1, 1232201/1, 1232202/1, 2696311/1, 2696313/1, 2696314/1, 269315/1, 2696316/1, 269317/1, 2696319/1, 2696320/1, 26963322/1, 2696323/1, 2704922/1 and 2710476/1

5a. Letter of Authorization dated September 8, 2014, from Stan Fuller, President, Just for the Halibut Holdings Ltd. to McKinley Burkart Design Group and Aikins, MacAulay & Thorvaldson LLP

5b. Letter of Authorization dated September 10, 2014, from Sabino Tummill, President, 6752731 Manitoba Ltd. to Just for the Halibut Holdings Ltd.

5c. Letter of Authorization dated September 12, 2014, from the Director of Planning, Property and Development Department, The City of Winnipeg to Just for the Halibut Holdings Ltd.

6. Confirmation from the Zoning and Permits Administrator that the subject property may be posted in substitution for newspaper advertising
7. Floor Plan and Code Review
8. Plans, Sheets 1 to 5 inclusive, for File DAV 108045/2015B dated February 13, 2015
9. Report from the Urban Planning Division dated March 16, 2015
10. Inspection Report
11. Presentation dated April 10, 2015, in support of the appeal, submitted by Arccadd Architecture Inc. at the Appeal Hearing
12. Photographs (5) submitted by the Winnipeg Public Service at the Appeal Hearing

Exhibit " 9 " referred to in File DAV 108045A/2015B

ADMINISTRATIVE REPORT

Title: DAV 15-108045/B – 219 Main Street Public Hearing

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

AUTHORIZATION

Author	Department Head	CFO	CAO
B. Smith	M. Pittet	N/A	M. Jack A/CAO

RECOMMENDATIONS

The Winnipeg Public Service recommends that the appeal be denied and the decision of the Director of Planning, Property and Development Department dated February 25, 2015, be upheld.

REASON FOR THE REPORT

- The applicant has assembled land for the development of a new restaurant and accessory parking. The proposed restaurant does not meet the minimum height requirements for new buildings.
- The Standing Policy Committee on Downtown Development, Heritage and Riverbank Management is the delegated hearing body for appeals of the Public Service's decisions on variance applications in Downtown Winnipeg.

IMPLICATIONS OF THE RECOMMENDATIONS

- If the recommendations of the Public Service are concurred in, the proponents will need to redesign the proposed development to comply with the Zoning By-law.

HISTORY

- July 9, 2012 - the Standing Policy Committee on Downtown Development, Heritage and Riverbank Management concurred in the recommendation of the Winnipeg Public Service and approved the sale of 219 Main Street. The purchase and sale agreement provided that the purchaser must substantially complete its development of the site by October 15, 2015, or the City could buy the land back from the purchaser at the purchase price minus 10%.
- September 8, 2014 - the Standing Policy Committee on Downtown Development, Heritage and Riverbank Management concurred in the recommendation of the Winnipeg Public Service and approved the exchange of City-owned property located behind 211 Main Street for the privately-owned frontage property to enable the widening of the Main Street right-of-way.

DISCUSSION

File:	DAV 15-108045/B
Related Files:	DCU 15-107697/B; DAS 29/2014
Community:	City Centre
Neighbourhood #:	1.161
Subject:	To vary the "M" Multiple Use Sector regulations of Downtown Zoning By-Law No. 100/2004 for the construction of a restaurant to permit a building height of 21.4 feet (6.52 metres) instead of a minimum building height of 35 feet (10.67 metres)
Applicant:	Melody Steward, ARCADD 109-340 Waterfront Drive
Owners:	Just for the Halibut Holdings, Ltd.; 6752731 Manitoba Ltd.; City of Winnipeg

Criteria for Approval
Pursuant to Section 247(3) of the City of Winnipeg Charter, a Variance application can be approved 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 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 compatible with the area in which the property to be affected is situated.

Site Description:

- The subject property is comprised of a restaurant, accessory parking and vacant land originally owned by the City. The site is approximately 70,000 square feet at the northeast corner of Main Street and York Avenue in the Fort Rouge – East Fort Garry Ward.

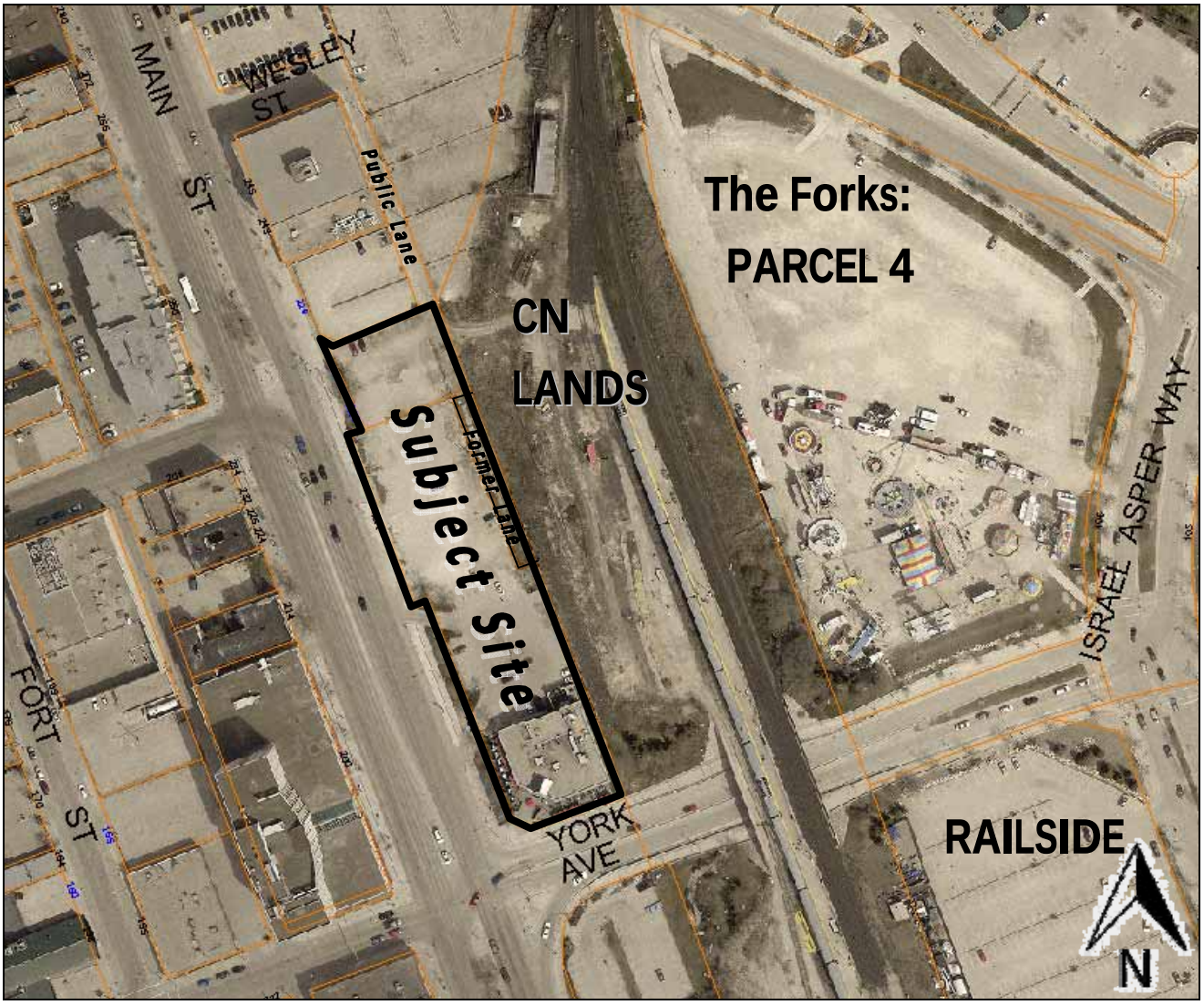


Figure 1: Air photo of the subject property and surrounding area (2014)

Project Description:
The applicant proposes to develop a new restaurant with accessory parking at 219 Main Street. The old restaurant building is expected to remain and will be re-tenanted or redeveloped.

Analysis and Issues:

Complete Communities Direction Strategy

The first three Directions found in Complete Communities are as follows (from Section 03-1):

1. *Further define and enhance the identity and character of Downtown's unique districts, destinations and clusters.*

CentreVenture has initiated a South Main Redevelopment Strategy aimed primarily at strengthening the connectivity between the Forks and the rest of downtown to the west.

2. *Promote intensification and high-density mixed use development within Downtown in a way that supports and complements its unique districts, destinations and clusters.*

The Downtown Winnipeg Zoning By-Law enables and encourages high-density mixed use development. Portage Avenue and Main Street, in particular, allow by right the greatest building heights (by floor area ratio) and range of uses of any location in the City of Winnipeg.

3. *Establish nodes and corridors that complement Downtown's districts, destinations and clusters by serving as key gateways and meeting places and focusing on pedestrian-oriented, active uses.*

South Main Street is a key gateway to the Forks and the Canadian Museum of Human Rights. Its redevelopment will be expected to complement the development plans for Parcel 4 and Railside at the Forks and forge a stronger pedestrian environment. Parking areas should occur at the rear of properties with buildings oriented to the public sidewalk, restoring the traditional urban fabric of Main Street.



Figure 2: Preliminary development concept for Parcel 4 at the Forks

Transit-Oriented Development

Minimum building heights also advance the City's Transit-Oriented Development policies.

Main Street, from where it links to the Southwest corridor at Stradbrook and Mayfair northward to Graham Avenue is a key segment of the Rapid Transit network today, and even more so in the future, as other legs of the transit corridor extend northward of Graham. It is likely the Northern Corridor and the Eastern Corridor will tie into Main Street. Thus, routes that link multiple corridors together will turn Main south of Graham into a potential bottleneck in the future, triggering the need for the alternative alignment alongside the rail corridor, behind the subject site. The subject lands are uniquely positioned to serve a strategic role in demonstrating a commitment to Transit-Oriented Development. Complete Communities Direction Strategy states:

Successful infill development at centres along rapid transit corridors is dependent on integrated land use, transportation and infrastructure planning. Economically sustainable and viable rapid transit is dependent on sufficient ridership, which in turn is determined almost exclusively from the land use characteristics of the areas they connect.

The City's TOD Handbook identifies six different tiers of TOD, with densities and uses tailored to the surrounding context. The Urban Centre TOD type (tailored to the Downtown) provides the greatest opportunities for mixed use and high density development. Case study research by the Center for Transit-Oriented Development on Denver, Minneapolis and Charlotte found that the vast majority of transit-oriented development occurred *in the Downtown portion of transit routes* despite the fact that these areas have relatively little underutilized or vacant land.

The key TOD principles are as follows:

1. *Medium to high density development that is greater than the community average.*
2. *A mix of uses.*
3. *Compact, high quality pedestrian-oriented environment.*
4. *An active defined centre.*
5. *Innovative parking strategies.*
6. *Public leadership.*

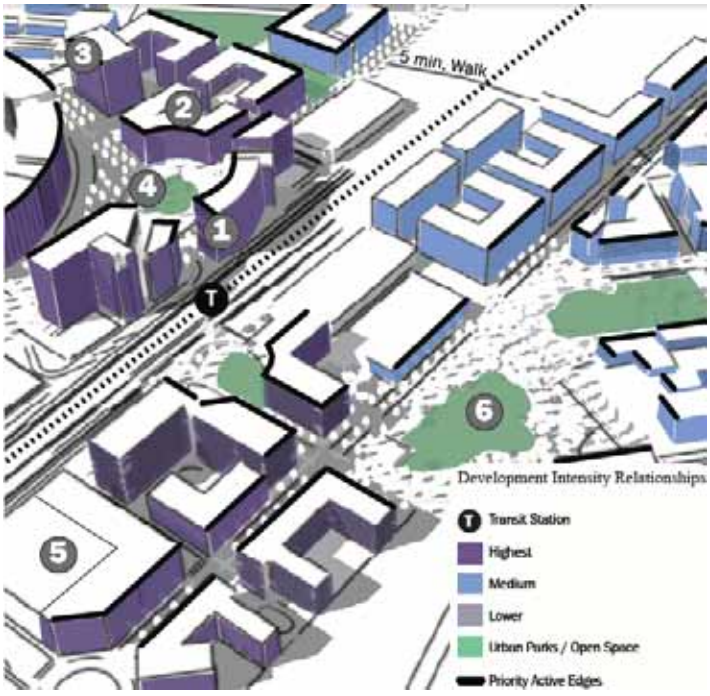


Figure 3: Transit Oriented Development model from the City of Winnipeg *TOD Handbook*

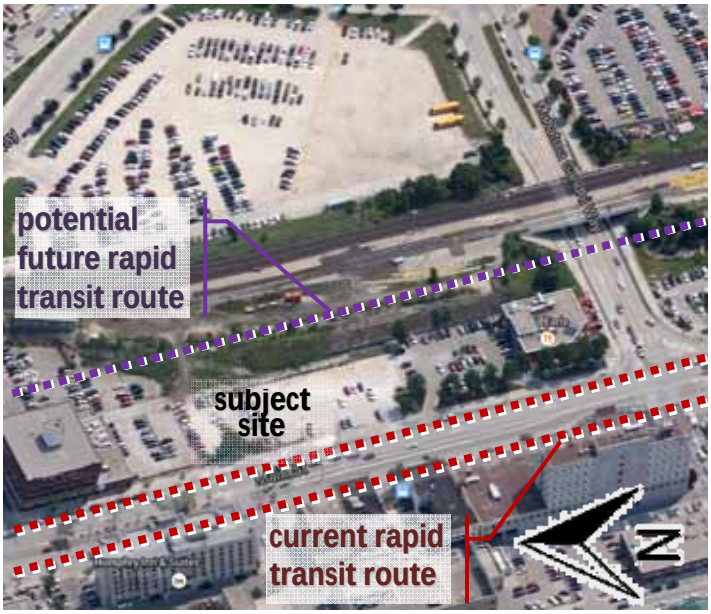


Figure 4: Google map of the subject property and rapid transit

As part of the Complete Communities Zoning By-Law Alignment project, the Downtown Winnipeg Zoning By-Law was amended in 2014 to include *minimum* building heights for new development Downtown in order to encourage a form of architecture tailored to the Downtown setting, based on the City's Downtown Urban Design Guidelines. It is noted that 219 Main Street is the terminus of St. Mary Avenue and therefore has the potential to be a visual landmark, with framed sightlines down St. Mary.

Minimum building heights also ensure that the scale of development is reflective of the existing level of services and infrastructure. Main Street represents trunk service from the standpoint of transportation infrastructure (including transit) as well as underground infrastructure. This area is one of a limited number of locations in our City that can accommodate high density development and maximize our tax base without requiring a servicing agreement or extension of infrastructure. Numerous forms of public investment have gone into the Downtown in recent years to make it a more attractive place to live, work and develop. The City, therefore, seeks forms of development that represent a strong return on that investment.

The regulations for Main Street were intended to encourage buildings of a minimum of three storeys or 35 feet. A development is deemed to be in compliance as long some habitable portion of the building meets this height.

Compatibility with the Surrounding Neighbourhood

The combination of a single-storey building (the subject of this application), expansive surface parking (the subject of DCU 15-107697/B) and the setback created through the acquisition of frontage (per DAS 29/2014) results in suburban development model that is the antithesis of downtown policy and urban design expectations.



Figure 5: Illustration of proposed development



Photo Illustration: Urban Advantage

Figure 6: Excerpt from *Complete Communities* regarding corridor redevelopment

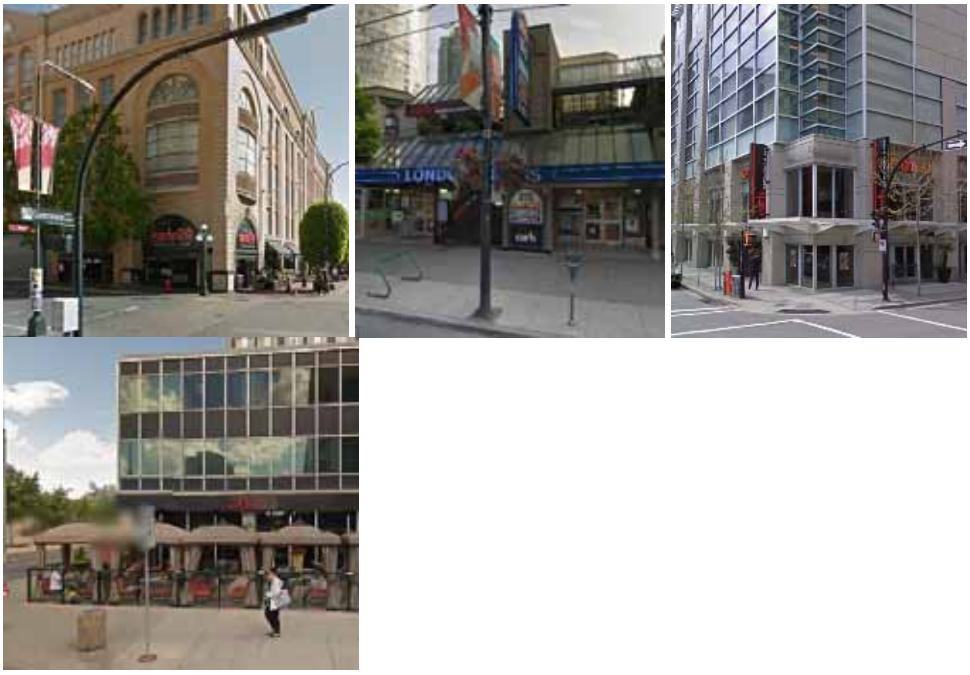


Figure 7: Earls Restaurants in other downtown settings (Victoria, Vancouver and Edmonton)

Reasons for Recommendations:
The provisions of Section 254 and criteria (a) to (d) of Subsection 247(3) of The City of Winnipeg Charter Act namely that the order:

(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.

Are not satisfied as follows:

- The proposal does not advance the vision for Downtown or for rapid transit corridors as espoused by the Complete Communities Direction Strategy.
- 21 feet instead of 35 feet is not a minimum modification of the zoning by-law.
- It is not compatible with the traditional form of Main Street.

FINANCIAL IMPACT

Financial Impact Statement **Date:** March 16, 2015

Project Name:

DAV 15-108045/B – 219 Main Street Public Hearing

COMMENTS:

There are no financial implications to the City of Winnipeg associated with this report.

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

CONSULTATION

In preparing this report there was consultation with:

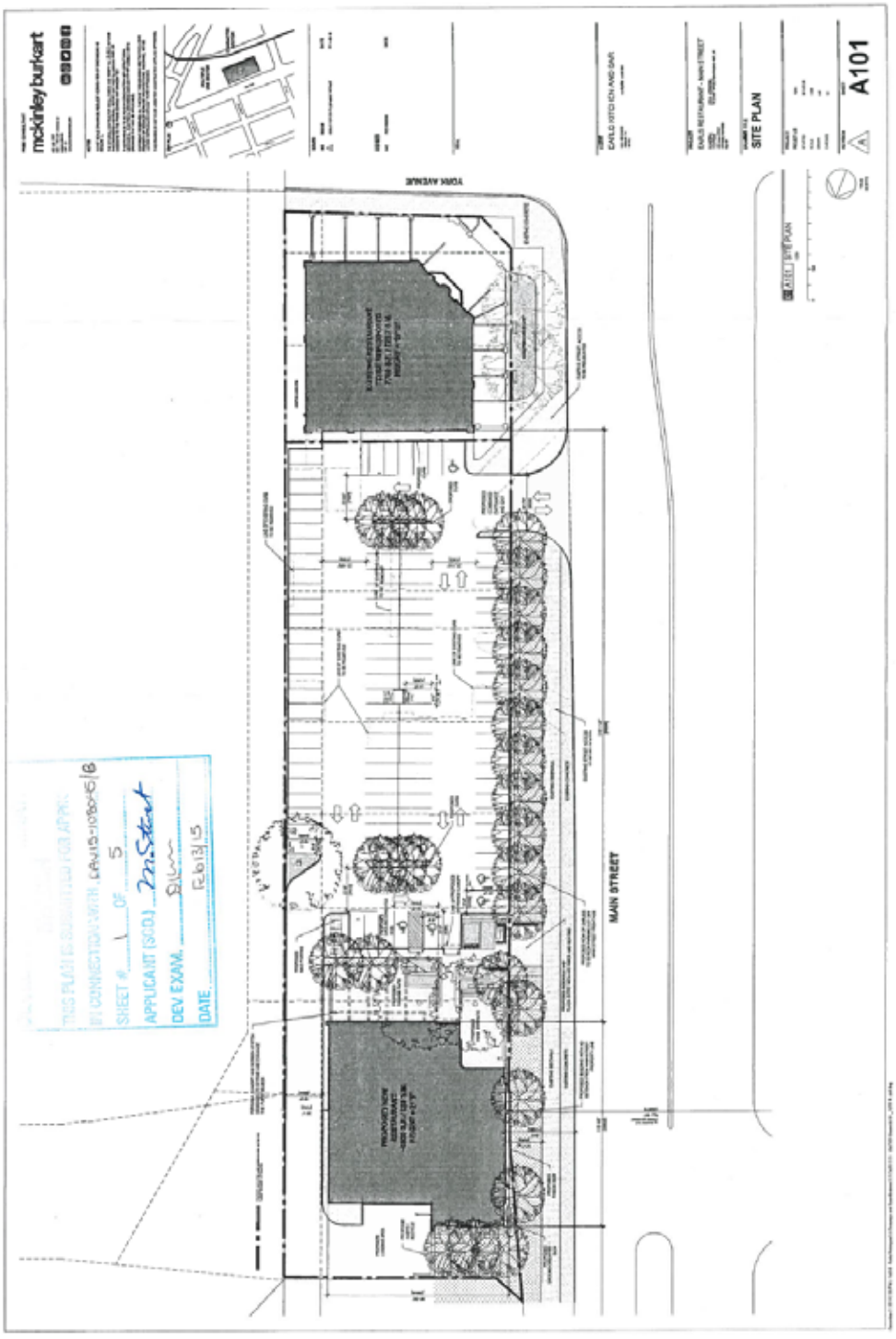
- Public Works Department
- Winnipeg Transit

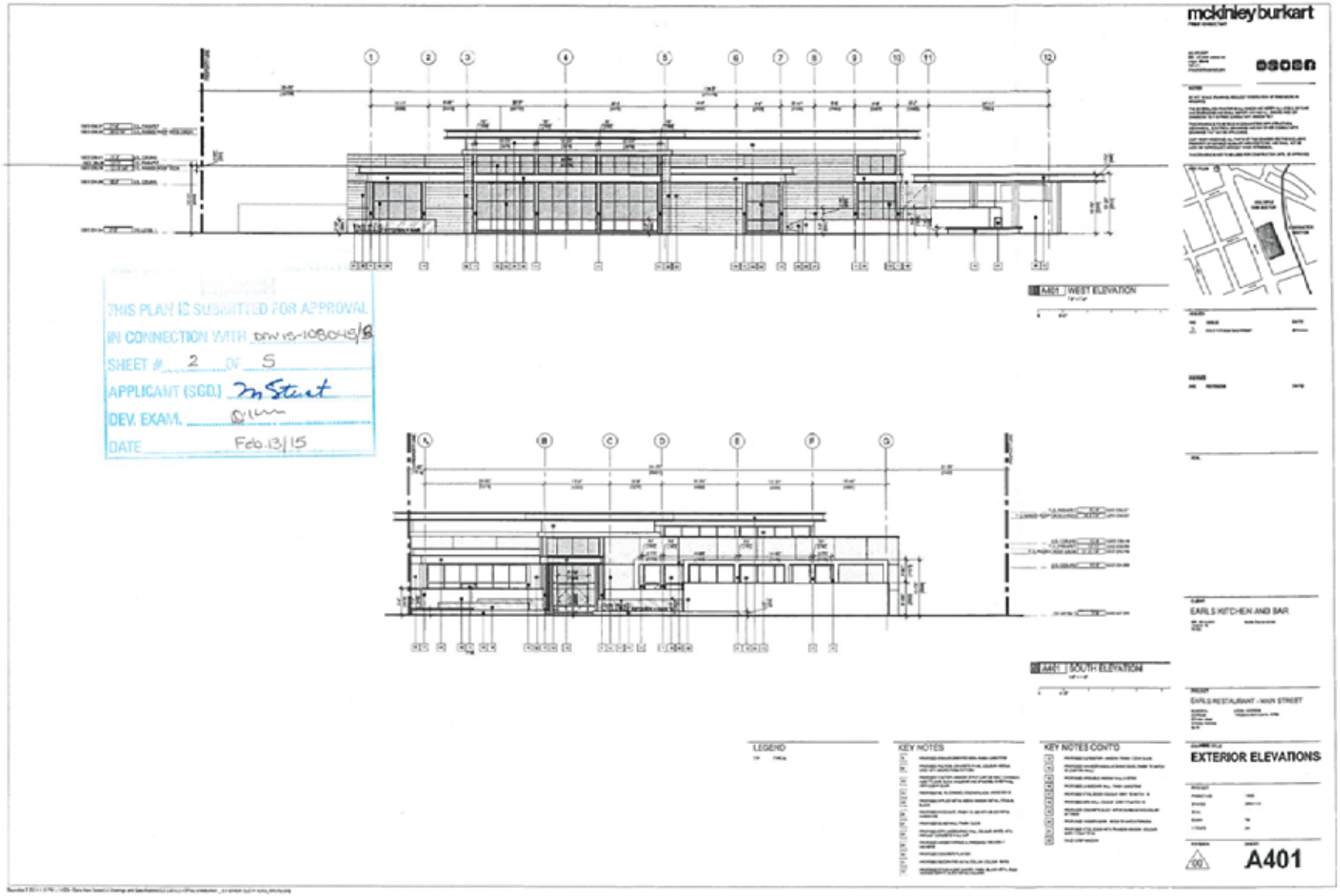
SUBMITTED BY

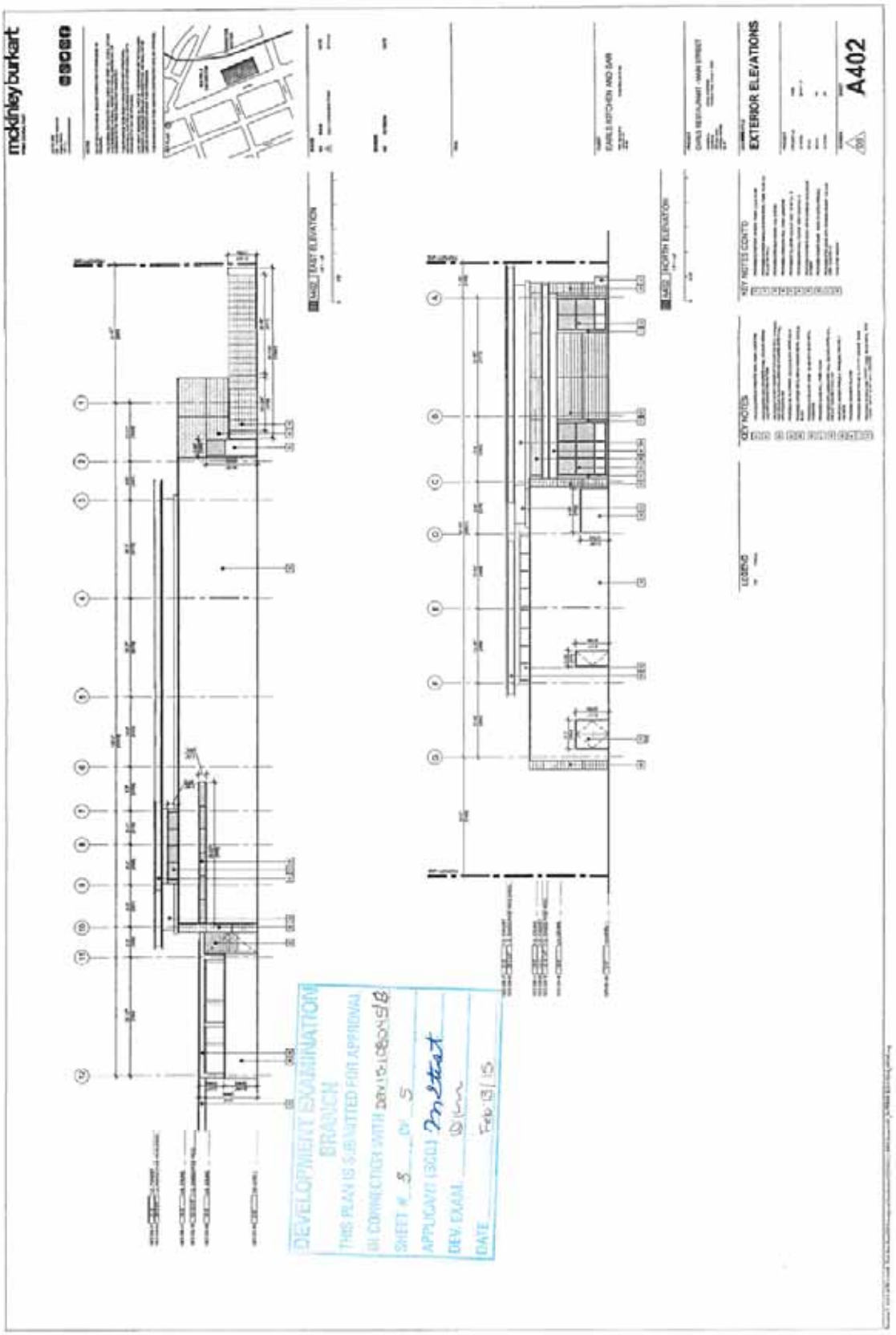
Department	Planning, Property and Development
Division	Urban Planning
Prepared by:	Kurtis Kowalke
Date:	March 16, 2015
File No.	DAV 15-108045/B

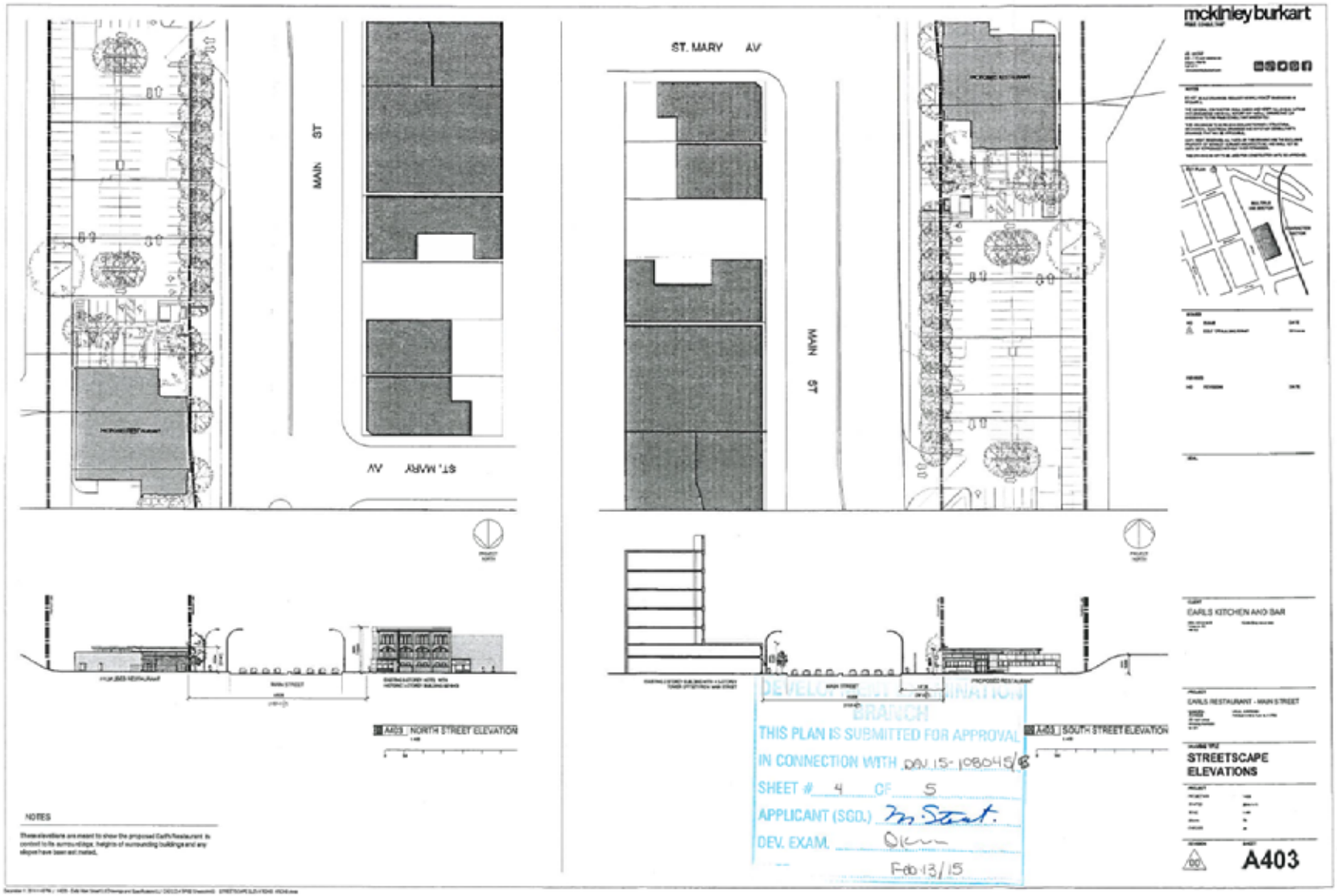
O:\Reports Directive\Planning and Land Use\Urban Planning Reports\2014 Reports\DAV 15-108045B 191 Main.doc

Exhibit " 8 " referred to in File DAV 108045A/2015B




mckinley burkart
THIS PLAN IS SUBMITTED FOR APPROVAL
IN CONNECTION WITH DPR 15-108048/S
SHEET # 2 OF 5
APPLICANT (SGD.) M Stuart
DEV. EXAM.
DATE Feb 13/15
A401 WEST ELEVATION
A401 SOUTH ELEVATION
EARLS KITCHEN AND BAR
EARLS RESTAURANT - MAIN STREET
LEGEND
KEY NOTES
KEY NOTES CONTD
EXTERIOR ELEVATIONS
A401


mckinleyburkart
EXTERIOR ELEVATIONS
A402
DEVELOPMENT EXAMINATION BRANCH
THIS PLAN IS SUBMITTED FOR APPROVAL
IN CONNECTION WITH DEV 15-108045/B
SHEET # 5 OF 5
APPLICANT (SCD) Mtest
DEV. EXAM.
DATE Feb 13/15


mcKinley burkart
MAIN ST
ST. MARY AV
A403 NORTH STREET ELEVATION
A403 SOUTH STREET ELEVATION
NOTES
EARLS KITCHEN AND BAR
EARLS RESTAURANT - MAIN STREET
STREETSCAPE ELEVATIONS
A403
DEVELOPMENT APPLICATION
BRANCH
THIS PLAN IS SUBMITTED FOR APPROVAL
IN CONNECTION WITH DAV 15-108045
SHEET # 4 OF 5
APPLICANT (SGD.)
DEV. EXAM.
Feb 13/15

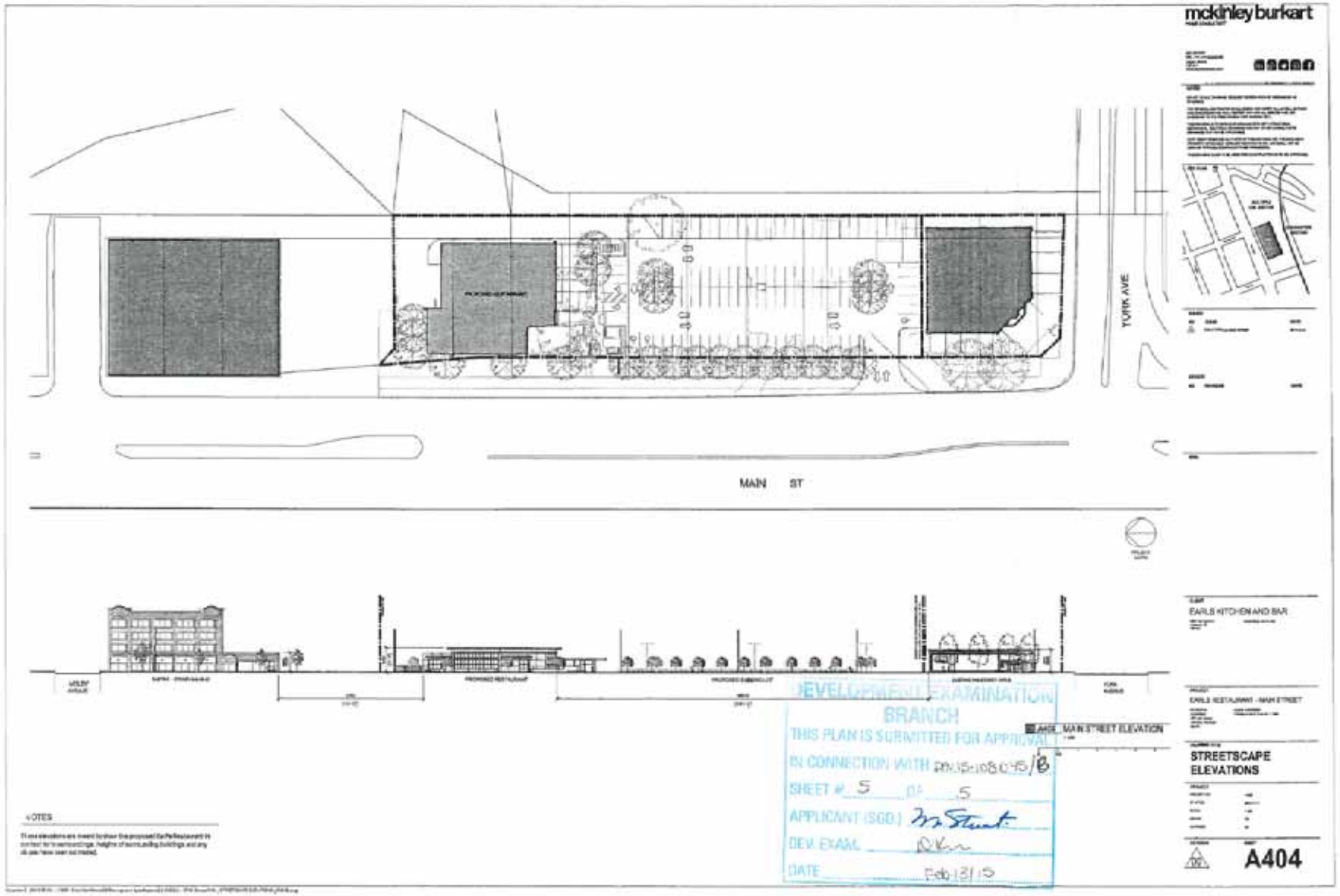

mckinley burkart
YORK AVE
MAIN ST
EARLS KITCHEN AND BAR
EARLS RESTAURANT - MAIN STREET
STREETSCAPE ELEVATIONS
A404
DEVELOPMENT EXAMINATION BRANCH
THIS PLAN IS SUBMITTED FOR APPROVAL
IN CONNECTION WITH DP15-108045/B
SHEET # 5 OF 5
APPLICANT (SGD.)
DEV. EXAM.
DATE Feb 13/15

Exhibit " 2 " referred to in File DAV 108045A/2015B

mckinley burkart architects inc.

[redacted]

March 10, 2015

Via Email

City Clerk, City of Winnipeg
c/o Standing Policy Committee on Downtown Development, Heritage and Riverbank Management
510 Main Street
Winnipeg, Manitoba R3B 1B9

Dear Sirs:

Re: 219 Main Street
Rejected Conditional Use Order No. DCU 15-107697/B and
Rejected Variance Order No. DAV 15-108045/B

TAKE NOTICE that McKinley Burkart, on behalf of the landowners, Just for the Halibut Holdings Ltd. (Earls on Main) and 6752731 Manitoba Ltd., hereby appeals to the Committee the whole of the provisions of Rejected Order Nos. DCU 15-107697/B and DAV 15-108045/B.

AND FURTHER TAKE NOTICE that the grounds for such appeal in respect of the conditional use are as follows:

1. The subject application is consistent with Plan Winnipeg and any applicable secondary plan, including the Complete Communities Direction Strategy.

2. The subject application 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.

3. The subject application is compatible with the area in which the property to be affected is situated.

AND FURTHER TAKE NOTICE that in addition to the foregoing, the grounds for such appeal in respect of the variance are as follows:

1. The subject application advances the vision for Downtown or for rapid transit corridors as espoused by the Complete Communities Direction Strategy.

2. Notwithstanding the modification in respect of height, the injurious effect of the zoning by-law on the subject property is such that more than a minimum modification to the zoning by-law is warranted.

The overall property footprint is comprised of the existing 434-seat Earls restaurant (south), and the proposed development to the north of a new 380-seat restaurant (north). The land use in between the two buildings will accommodate parking accessory to those two buildings in a visually pleasing manner and is not a change from the present use of that portion of the land but instead a continued use with the reduction of thirty parking stalls. The new restaurant (north) will add economic, social and environmental value and will replace the present use of that portion of the property.

It is respectfully submitted that the Committee improperly considered the evidence and weight of the evidence in denying these applications for the following reasons:

1. The Urban Design Advisory Committee reviewed the conceptual design and made a number of recommendations that were incorporated into the submitted plan.

2. The current use as parking lot is being reduced substantially, and the curb appeal of the block is being improved through the use of frontage greenery, thus visually screening the required restaurant and accessory use parking space. The parking between the two buildings is to be shared by both existing (south) and proposed (north) buildings, and is therefore in accordance with a transit-oriented development strategy. The comments of the Planner in the submission refer to an "expansion" of the parking lot which is not an accurate statement of the facts. Additionally, all lots comprising the subject property are owned by the same or related parties (with the intention that they will be consolidated as one title) and all parking will be for the accessory use of the current and proposed building being developed.

3. The Complete Communities Direction Strategy, and in particular, rapid transit corridor facilitation, has been accommodated by allowing for the Main Street widening and associated transfer of land on the frontage of the property in a cooperative arrangement with the City. Transit-oriented development is being promoted through intensification of density, visibility of use, and proximity to the roadway, as required.

4. The "tradition form of Main Street" as stated in the reasons for rejection is not sufficiently clear and is not an established criterion that can reasonably be met without further information.

5. The relocation of the existing restaurant further north along the subject property makes it more pedestrian-accessible to the primary clientele of the restaurant, most of whom are located at the office towers at the corner of Portage and Main and surrounding buildings.

We wish to provide contextual evidence to support that the proposed height respects the scale of surrounding buildings along the Main Street corridor while remaining visually appealing to passersby and approachable to pedestrians. The existing building at the south of the property will allow for a mix of uses at this location (to be determined, but services other than food services). The architectural design is complimentary to the mix of buildings on nearby lots and will be an esthetically pleasing addition to the corridor.

It is respectfully submitted that the City committed an error in making these decisions which should be remedied by allowing both the variance and conditional use, and McKinley Burkart, on behalf of the registered owners, wishes to present its appeal at a Public Hearing on April 10, 2015 or such other date as may be set forth by the Committee.

All of which is respectfully submitted.

Please advise the writer as to the appeal hearing date and time.

Yours truly,



Walker McKinley, architect
aaa, mraic, maa, aibc, march, mdes

cc:
Walker McKinley, McKinley Burkart Architects
Judy MacDougall, McKinley Burkart Architects
Liyan Wong, McKinley Burkart Architects
Melody Stewart, Arccadd Architecture Inc.
Wendy Tait, Earls
Cathy Humphrey, Earls
Kristen Bray, Earls

Exhibit " 1 " referred to in File DAV 108045A/2015B

Planning, Property and Development Department
Service de l'urbanisme, des biens et de l'aménagement
Unit 31 – 30 Fort Street • 30, rue Fort, unité 31 • Winnipeg • Manitoba R3C 4X7

VARIANCE ORDER

DAV 15-108045/B

APPLICANT: Melody Stewart ARCCADD ARCHITECTURE INC

PREMISES AFFECTED: 219 Main ST
LEGAL DESCRIPTION: PCL Q PLAN 22557 1/3 & 6 ST J PCL A,B PLAN 55243 1 ST J hereinafter called "the land".
PROPERTY ZONED: M
ZONING ATLAS SHEET: F12D4
NATURE OF APPLICATION:

To vary the "M" Multiple Use Sector regulations of Downtown Zoning By-Law No. 100/2004 for the construction of a restaurant to permit a building height of 21.4 feet (6.52 metres) instead of a minimum building height of 35 feet (10.67 metres).

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: 219 Main ST

The Director of Planning, Property and Development Department hereby orders that the provisions of the "M" Multiple Use Sector regulations of Downtown Zoning By-Law No. 100/2004 and amendments thereto for the construction of a restaurant having a building height of 21.4 feet (6.52 metres) **is hereby REJECTED.**

DATE OF ORDER: February 26, 2015

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 March 12, 2015, [IF RECEIVED LATE YOUR APPEAL CANNOT BE HEARD.]

(c) refer to Variance Order No. DAV 15-108045/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: City Clerk, City of Winnipeg
c/o Standing Policy Committee on Downtown Development, Heritage and Riverbank Management
510 Main Street
Winnipeg, MB, R3B 1B9
Fax 947-3452
Email: clk-appeals@winnipeg.ca