**Agenda – Standing Policy Committee on Downtown Development, Heritage and Riverbank Management – May 7, 2015**

## PUBLIC HEARINGS

**Item No. 3 Appeal - Variance – 25 Fort Street**
**(Fort Rouge-East Fort Garry Ward)**
**File DAV 117142A/2015B [c/r DCU 117155A/2015B]**

WINNIPEG PUBLIC SERVICE RECOMMENDATION:

The Winnipeg Public Service has requested that the Appeal Hearing be adjourned to May 25, 2015.

**Agenda – Standing Policy Committee on Downtown Development, Heritage and Riverbank Management – May 7, 2015**

| | |
|---|---|
| File: | DAV 117142A/2015B |
| Appellant: | Jerry Gray |
| Applicant: | Jerry Gray (Friends of Upper Fort Garry) |
| Premises Affected: | 25 Fort Street |
| Legal Description: | SHOWN ON MISC PL NO CC 6832/3 LOT 56,59/61 PLAN 23855 1 ST J, hereinafter called “the land” |
| Property Zoned: | Multiple Use Sector |
| Nature of the Application: | To vary the "Multiple Use Sector" regulations of Downtown Zoning By-Law No. 100/2004 for the establishment of a Parking, non-accessory off-street at grade, use to permit the following:<br>1. no van accessible parking space instead of 1 van accessible parking space;<br>2. gravel surfacing instead of asphalt, concrete, concrete pavers, or combination thereof;<br>3. no drainage system;<br>4. insufficient street edge landscaping;<br>5. screening of parking facility with a wooden fence, said material not permitted |
| Exhibit Filed: | 1. Order DAV 117142/2015B dated April 1, 2015<br>2. Notice of Appeal filed by Jerry Gray, received April 14, 2015<br>3. Notification of Public Hearing dated April 21, 2015<br>4. Manitoba Status of Titles 2660814/1, 2660817/1 and 2660818/1<br>5. Confirmation from the Zoning and Permits Administrator that the subject property may be posted in substitution for newspaper advertising<br>6. Site plan<br>7. Plan, Sheet 1, for File DAV 117142/2015B dated March 23, 2015<br>8. Communication dated May 1, 2015 from the Winnipeg Public Service, requesting that the Appeal Hearing be adjourned to May 25, 2015 |

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

REPRESENTATIONS:

In Support of the Appeal:

In Opposition to the Appeal:

For Information on the Appeal:

For the City:

Moved by Councillor

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

Moved by Councillor

That the receipt of public representations be concluded.

Moved by Councillor

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.

Supporting Comments:

Moved by Councillor

That the appeal be allowed / allowed in part / denied and Order DAV 117142/2015B be confirmed / cancelled.

Moved by Councillor

That the decision of the Director of Planning, Property and Development be / not be concurred in.

Moved by Councillor

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

Exhibit " 8 " referred to in File DAV 117142A/2015B

**From:** Smith, Braden
**Sent:** Friday, May 01, 2015 3:39 PM
**To:** Marques, Josie; Lemoine, Marc
**Cc:** Pittet, Marc
**Subject:** 25 Fort Street - Appeal Hearing

Hello Josie;
I am requesting that the upcoming appeal hearings for 25 Fort Street be adjourned to the 25 May meeting of the Standing Policy Committee on Downtown Development, Heritage and Riverbank Management.

The very best,
Braden

**Braden Smith, MCIP**
*Chief Planner*
Planning, Property and Development
City of Winnipeg
15-30 Fort Street
Winnipeg, MB R3C 4X5
T: 204.986.2699
F: 204.986.7524
E: bradensmith@winnipeg.ca
W: www.winnipeg.ca/ppd

Please consider the environment before printing this e-mail.
This e-mail is confidential and is intended for the above-named recipient(s) only. Any unauthorized use or disclosure of this e-mail is prohibited . If you are not the intended recipient, please notify the sender immediately and destroy the communication. The City of Winnipeg is subject to the Freedom of Information and Protection of Privacy Act.

Exhibit " 7 " referred to in File DAV 117142A/2015B

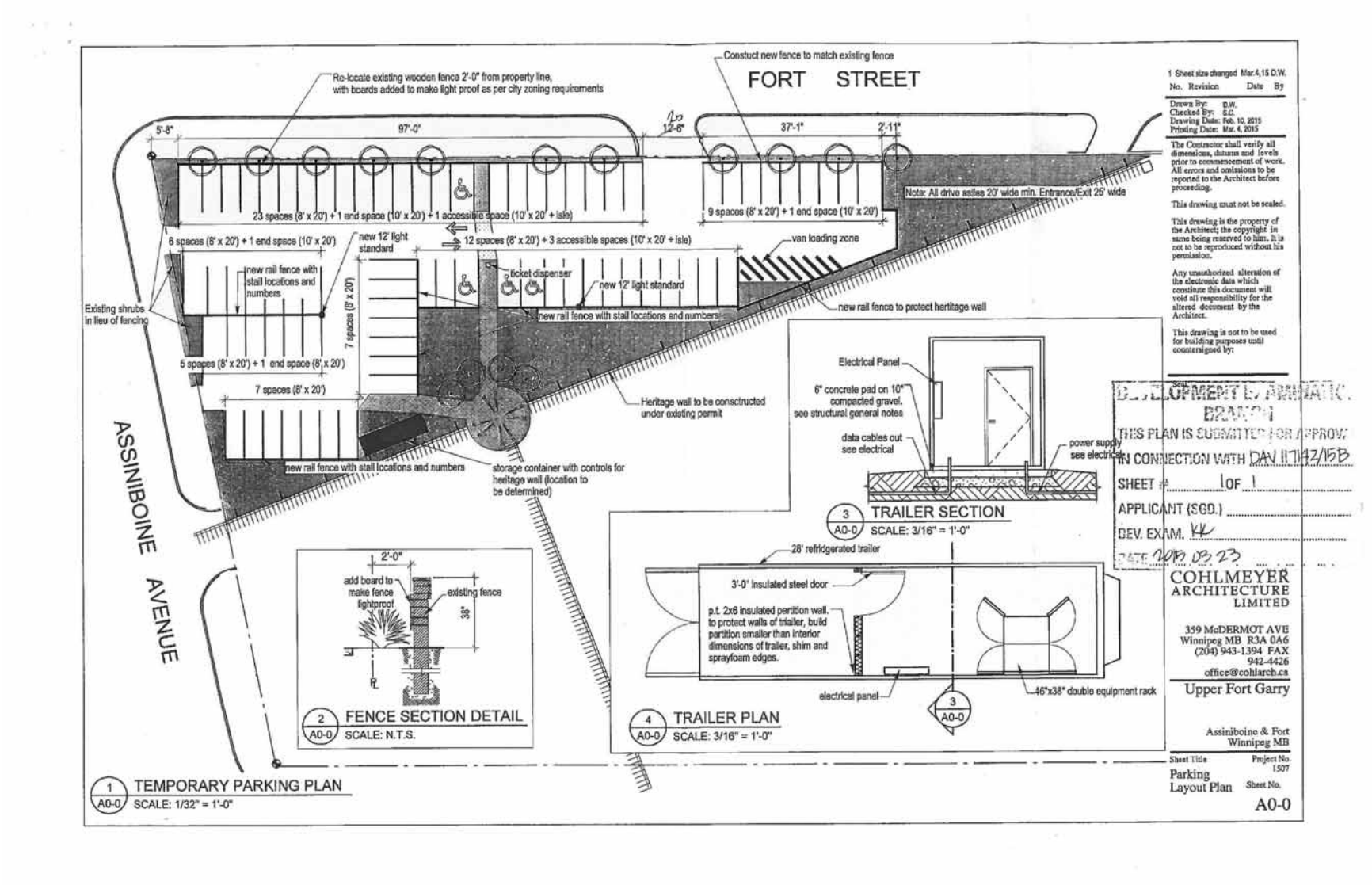

Exhibit " 2 " referred to in File DAV 117142A/2015B

CITY CLERKS WPG '15 APR 14 12:16

FRIENDS OF | AMIS DE
UPPER FORT GARRY

**Honorary Patrons**
Rt. Hon. Edward Schreyer, P.C., C.C., O.M.
Hon. Gary Filmon, P.C., O.C., O.M.
Richard A.N. Bonnycastle

**Founding Chair**
Hon. Peter M. Liba, C.M., O.M. (1940 - 2007)

**Founding Directors**
Harold Buchwald, C.M., Q.C. (1928 - 2008)
Dr. Bill Norrie, C.M., O.M., Q.C. (1929 - 2012)

**Board of Directors**
*Chair*
Dr. Jerry L. Gray
*Directors*
Jim August
Lawrie Barkwell
R.W. (Bob) Cunningham
Hon. Gary Filmon, P.C., O.C., O.M.
Dr. Gerald Friesen
Elaine Goldie
Garry Hilderman, C.M.
Michel D. Lagacé
Hon. Otto Lang, P.C., O.C., Q.C.
Penny McMillan
Cindy Tugwell
*Honorary Board Members*
Dee Buchwald
Shirley Liba

April 13, 2015

City Clerk
c/o Appeals Committee
City of Winnipeg
510 Main Street
Winnipeg, Manitoba
R3B 1B9

Re: Conditional Use Application #15-117155/B and
Variance Order #15/117142/B

The Friends of Upper Fort Garry wish to appeal the City ruling regarding the above noted applications.

Sincerely,

Jerry Gray, Chair

JLG:ms

Exhibit " 1 " referred to in File DAV 117142A/2015B

DAV 15-117142/B

APPLICANT: Jerry Gray Friends of Upper Fort Garry
259 - 393 PORTAGE AVE
WINNIPEG MB R3B 3H6

PREMISES AFFECTED: 25 Fort ST
LEGAL DESCRIPTION: SHOWN ON MISC PL NO CC 6832/3 LOT 56,59/61 PLAN 23855 1 ST J

hereinafter called "the land".
PROPERTY ZONED: Multiple Use Sector
ZONING ATLAS SHEET: AA25
NATURE OF APPLICATION:

To vary the "Multiple Use Sector" regulations of Downtown Zoning By-Law No. 100/2004 for the establishment of a Parking, non-accessory off-street at grade, use to permit the following:
1) no van accessible parking space instead of 1 van accessible parking space;
2) gravel surfacing instead of asphalt, concrete, concrete pavers, or combination thereof;
3) no drainage system;
4) insufficient street edge landscaping;
5) screening of parking facility with a wooden fence, said material not permitted

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: 25 Fort 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 for the the establishment of a Parking, non-accessory off-street at grade, use to permit the following:

1) no van accessible parking space instead of 1 van accessible parking space;
2) gravel surfacing instead of asphalt, concrete, concrete pavers, or combination thereof;
3) no drainage system;
4) insufficient street edge landscaping;
5) screening of parking facility with a wooden fence, said material not permitted
**are hereby REJECTED.**

DATE OF ORDER: April 1, 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 April 15, 2015,
[IF RECEIVED LATE YOUR APPEAL CANNOT BE HEARD.]

(c) refer to Variance Order No. DAV 15-117142/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