BOARD OF ADJUSTMENT
DISPOSITION OF ITEMS

JANUARY 8, 2020

MEMBERS
PRESENT: Bill Sawka, Chairperson
Bill Evans
Joel Remis

SECRETARY
TO THE BOARD: K. McMillan, City Clerk's Department

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Item	Application	Order of the Board
		PUBLIC HEARINGS
1	Conditional Use – 235 Andrews Street DCU 213647/2019C [c/r DAV 213642/2019C]	The Board of Adjustment concurred in the recommendation of the Winnipeg Public Service and approved a Conditional Use on "the land" to permit the establishment of a multi-family dwelling use, subject to the following conditions: 1. That a bicycle enclosure with space for at least 12 bikes shall be constructed and maintained thereafter on the property, to the satisfaction of the Director of Planning, Property and Development. 2. That a continuous light proof wood fence at least 6 feet in height shall be erected and maintained along the entire length of the north and east property line, to the satisfaction of the Director of Planning, Property and Development. 3. That the development shall be constructed in substantial conformance with the plans submitted attached hereto and identified as Sheets 1 of 7 for File No. DCU 19-213647\C, dated December 17, 2019, and Sheets 5 through 7 for File no. DCU 19-213647\C, dated December 3, 2019, and maintained thereafter to the satisfaction of the Director of Planning, Property and Development OR That the Owner must submit plans showing the location and design of any and all proposed: A. buildings B. accessory parking areas C. driveways D. garbage enclosures E. fencing F. freestanding signage G. landscaping on the Owner's Land ("Works") to the Director of Planning, Property and Development for approval prior to the issuance of any building or development permit, and thereafter must construct the Works in substantial conformance with the approved plans and maintain the Works to the satisfaction of the Director.
2	Variance – 235 Andrews Street DAV 213642/2019C [c/r DCU 213647/2019C]	The Board of Adjustment concurred in the recommendation of the Winnipeg Public Service and approved a Variance on "the land" as follows: 1. For the conversion of an existing place of worship building to a multi-family dwelling to permit: A. a front yard of 14.7 feet (4.48 metres)

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		B. a rear yard of 20.45 feet (6.23 metres) C. a building height of 41.5 feet (12.65 metres) D. 2 parking spaces 2. For the construction of an accessory bike enclosure to permit a front yard of 6 feet (1.83 metres) 3. For the establishment of an accessory parking area to permit a parking aisle width of 9.5 feet (2.9 metres)
3	Conditional Use – 2479 Pembina Highway DCU 215337/2019C [c/r DAV 215347/2019C]	The Board of Adjustment did not concur in the recommendation of the Winnipeg Public Service and approved a Conditional Use on "the land" to permit the establishment of a billboard, digital static copy sign use, subject to the following condition: 1. That plans shall be submitted to the Director of Planning, Property, and Development for approval and the applicant must thereafter construct the Works in substantial conformance with the approved plans and maintain the Works to the satisfaction of the Director.
4	Variance – 2479 Pembina Highway DAV 215347/2019C [c/r DCU 215337/2019C]	The Board of Adjustment did not concur in the recommendation of the Winnipeg Public Service and approved the application for a Variance on "the land" for the establishment of billboard, digital static copy free-standing sign to permit as follows: 1. a sign surface area of 400 square feet (37.2 square metres) 2. a separation space to another billboard sign less than the required 500 feet (152.40 metres) 3. a billboard sign visible from an adjacent residential use
5	Conditional Use – 772 Victor Street DCU 187385/2018C [c/r DAV 187381/2018C]	The Board of Adjustment concurred in the recommendation of the Winnipeg Public Service and approved a Conditional Use on "the land" to permit the establishment of a multi-family dwelling use, subject to the following conditions: 1. That the development shall be constructed in substantial conformance with plans submitted under File No. DCU18-187385C, sheets 1-9, dated November 29, 2019 and thereafter maintained to the satisfaction of the Director of Planning, Property and Development OR That the Owner must submit plans showing the location and design of any and all proposed: A. buildings including elevations of the front facades identifying proposed finishing materials B. accessory parking areas C. fencing

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		D. landscaping on the Owner's Land ("Works") to the Director of Planning, Property and Development for approval prior to issuance of any building or development permit, and thereafter must construct the Works in substantial conformance with the approved plans and maintain the Works to the satisfaction of the Director.
6	Variance – 772 Victor Street DAV 187381/2018C [c/r DCU 187385/2018C]	The Board of Adjustment concurred in the recommendation of the Winnipeg Public Service and approved a Variance on "the land" as follows: 1. For the construction of a multi-family dwelling to permit: A. a rear yard of 23 feet (7.01 metres) B. 4 parking spaces 2. For the establishment of an accessory parking area to permit: A. stall widths of 8 feet (2.44 metres) for parking spaces adjacent to a fence B. parking spaces within 10 feet (3.05 metres) of a window to a habitable room where the sill is located 5 feet or less from grade C. no buffering of a parking or loading area located within 20 feet (6.1 metres) of a rear lot line adjacent to a residential district Subject to the following conditions: 1. That the development shall be constructed substantial conformance with plans submitted under File No. DCU18-187385C, sheets 1-9, dated November 29, 2019 and thereafter maintained to the satisfaction of the Director of Planning, Property and Development OR That the Owner must submit plans showing the location and design of any and all proposed: A. buildings including elevations of the front facades identifying proposed finishing materials B. accessory parking areas C. fencing D. landscaping

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		on the Owner's Land ("Works") to the Director of Planning, Property and Development for approval prior to issuance of any building or development permit, and thereafter must construct the Works in substantial conformance with the approved plans and maintain the Works to the satisfaction of the Director.
7	Conditional Use – 349 Alfred Avenue DCU 211772/2019C [c/r DAV 211752/2019C]	The Board of Adjustment concurred in the recommendation of the Winnipeg Public Service, as amended, and approved a Conditional Use on "the land" to permit the establishment of a multi-family dwelling, subject to the following condition: 1. That the Owner must submit plans showing the location and design of any and all proposed: A. buildings B. accessory parking areas C. driveways D. garbage enclosures E. fencing F. landscaping on the Owner's Land ("Works") to the Director of Planning, Property and Development for approval prior to the issuance of any building or development permit, and thereafter must construct the Works in substantial conformance with the approved plans and maintain the Works to the satisfaction of the Director.
8	Variance – 349 Alfred Avenue DAV 211752/2019C [c/r DCU 211772/2019C]	The Board of Adjustment concurred in the recommendation of the Winnipeg Public Service and approved a Variance on "the land" for the establishment of accessory parking to permit as follows: 1. No buffering of parking located within 20 feet (6.1 metres) of a rear lot line adjacent to a residential district 2. Parking spaces located within 10 feet (3.05 metres) of a window to a habitable room where the sill is located 5 feet (1.52 metres) or less from grade
9	Conditional Use – 427 St. Jean Baptiste Street DCU 208241/2019C [c/r DAV 211596/2019C]	The Board of Adjustment concurred in the recommendation of the Winnipeg Public Service and approved a Conditional Use on "the land" to permit the establishment of a multi-family dwelling use, subject to the following conditions: 1. That the development shall be constructed in substantial conformance with the plans submitted under File No. DCU 19-208241/C, dated December 5, 2019 and thereafter maintained to the satisfaction of the Director of Planning, Property and Development; OR That the Owner must submit plans showing the location and design of any and all proposed: A. buildings B. accessory parking areas C. driveways

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		D. garbage enclosures E. fencing F. freestanding signage G. landscaping on the Owner's Land ("Works") to the Director of Planning, Property and Development for approval prior to the issuance of any building or development permit, and thereafter must construct the Works in substantial conformance with the approved plans and maintain the Works to the satisfaction of the Director.
10	Variance – 427 St. Jean Baptiste Street DAV 211596/2019C [c/r DCU 208241/2019C]	The Board of Adjustment concurred in the recommendation of the Winnipeg Public Service and approved a Variance on "the land" as follows: 1. For the construction of a multi-family dwelling to permit 3 parking stalls 2. For the establishment of accessory parking to permit no buffering of parking located within 20 feet (6.1 metres) of a rear and side lot line adjacent to a residential district
11	Conditional Use – 397 Horace Street DCU 208244/2019C	The Board of Adjustment concurred in the recommendation of the Winnipeg Public Service and approved a Conditional Use on "the land" to permit the establishment of a multi-family dwelling use, subject to the following conditions: 1. That the development shall be constructed in substantial conformance with the plans submitted under File No. DCU 19-208244\C, dated December 5, 2019 and thereafter maintained to the satisfaction of the Director of Planning, Property and Development OR That the Owner must submit plans showing the location and design of any and all proposed: A buildings B. accessory parking areas C. driveways D. garbage enclosures E. fencing F. freestanding signage G. landscaping on the Owner's Land ("Works") to the Director of Planning, Property and Development for approval prior to the issuance of any building or development permit, and thereafter must construct the Works in substantial conformance with the approved plans and maintain the Works to the satisfaction of the Director.
12	Variance – 140 Transcona Boulevard DAV 209528/2019C	The Board of Adjustment concurred in the recommendation of the Winnipeg Public Service and approved a Variance on "the land" as follows:

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		1. For the construction of a multi-family dwelling to permit: A. a front yard of 13.7 feet (4.18 metres) B. a balcony projection into the front yard of 7.3 feet (2.23 metres) 2. For the establishment of a parking area to permit: A. Parking spaces located within 10 feet (3.05 metres) of a window to a habitable room where the sill is located 5 feet (1.52 metres) or less from grade
13	Variance – 355 Centre Street DAV 214926/2019C	The Board of Adjustment concurred in the recommendation of the Winnipeg Public Service and approved a Variance on "the land" as follows: 1. for the construction of commercial mixed use buildings to permit the following: A. a west front yard (Centre Street) of 9 feet (2.74 metres) B. a canopy projection of 12.7 feet (3.87 metres) C. a north corner side yard (South Town Road) of 14 feet (4.27 metres) D. insufficient street edge landscaping along Kenaston Boulevard and Centre Street 2. For the establishment of an accessory parking area to permit the following: A. a front yard (Centre Street) of 10 feet (2.74 metres) B. insufficient parking lot interior landscaping
14	Variance – 487 Centennial Street DAV 205480/2019C	The Board of Adjustment concurred in the recommendation of the Winnipeg Public Service and approved a Variance on "the land" for the establishment of two residential zoning lots to permit as follows: 1. Lot areas of 2,540 square feet (236.0 square metres) 2. Lot width of 24.9 feet (7.6 metres) Subject to the following conditions: 1. That the height of principal buildings shall be limited to a maximum of 30 feet.

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		2. That no front driveway approach shall be permitted. 3. That there shall be no new garages constructed attached to any principal dwelling on the subject properties. 4. That any principal dwelling located on the subject properties shall provide an entrance on the building elevation facing the front yard. 5. That each newly constructed dwelling shall be distinctly different from one another in terms of the design, and incorporate a balance of varying materials into the front façade. 6. That the Owner must submit plans showing the location and design of any and all proposed: A. buildings including elevations of the front façades identifying proposed finishing materials B. accessory parking areas C. driveways D. fencing E. landscaping on the Owner's Land ("Works") to the Director of Planning, Property and Development for approval prior to the issuance of any building or development permit and thereafter must construct the Works in substantial conformance with the approved plans and maintain the Works to the satisfaction of the Director. 7. That alcoves, bay windows, vestibules and similar building elements creating interior floor area shall be at least two feet from any side lot line, measured from the exterior finish of said building elements.
15	Variance – 384 Parkview Street DAV 215374/2019C	The Board of Adjustment concurred in the recommendation of the Winnipeg Public Service, as amended, and approved a Variance on "the land" to permit as follows: 1. For the establishment of two (2) residential zoning lots to permit lot areas of 2,712 square feet (251.9 square metres) 3. For the maintenance of a detached garage on Lot 78 without the existence of a principal building on the same lot Subject to the following conditions: 1. That the height of the principal building(s) shall be limited to a maximum of 30 feet. 2. That no front driveway approach shall be permitted.

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		3. That there shall be no new garages constructed attached to any principal dwelling on the subject property. 4. That any principal dwelling located on the subject properties shall provide an entrance on the building elevation facing the front yard. 5. That the Owner must submit plans showing the location and design of any and all proposed: A. buildings B. accessory parking areas C. fencing on the Owner's Land ("Works") to the Director of Planning, Property and Development for approval prior to the issuance of any building or development permit, and thereafter must construct the Works in substantial conformance with the approved plans and maintain the Works to the satisfaction of the Director. 6. That alcoves, bay windows, vestibules and similar building elements creating interior floor area shall be at least two (2) feet from any side lot line, measured from the exterior finish of said building elements. 7. That Variance #3, with respect to the maintenance of a detached garage, shall terminate on January 31, 2021.
16	Variance – 1034 Windermere Avenue DAV 210886/2019C	The Board of Adjustment concurred in the recommendation of the Winnipeg Public Service and approved a Variance on "the land" as follows: 1. For the establishment of two residential lots to permit: A. lot widths of 24.9 feet (7.59 metres) B. lot areas of 2,499.2 square feet (232.2 square metres) 2. For the construction of a single family dwelling on Lot 13 to permit: A. a front yard of 20 feet (6.10 metres) Subject to the following conditions: 1. That the height of proposed principal building on Lot 13 shall be limited to a maximum of 30 feet. 2. That no front driveway approach shall be permitted. 3. That there shall be no new garages constructed attached to any principal dwelling on the subject properties.

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		4. That any principal dwelling located on the subject property shall provide an entrance on the building elevation facing the front yard. 5. That the development shall be constructed substantial conformance with plans submitted under File No. DAV19-210886C, sheets 1-7, dated November 20, 2019 and thereafter maintained to the satisfaction of the Director of Planning, Property and Development. 6. That alcoves, bay windows, vestibules and similar building elements creating interior floor area shall be at least two feet from any side lot line, measured from the exterior finish of said building elements. 7. That the existing front approach to Lot 13 must be removed and that the curb sidewalk, sidewalk and boulevard be restored as determined by and to the satisfaction of the Director of Public Works.
17	Variance – 1056 Theo. Nuytten Street DAV 213055/2019C	The Board of Adjustment concurred in the recommendation of the Winnipeg Public Service and approved a Variance on "the land" for the establishment of two residential zoning lots to permit on lot 12: 1. a lot width of 24.93 feet (7.60 metres) 2. a lot area of 2532.8 square feet (235.3 square metres) Subject to the following conditions: 1. That the height of principal buildings shall be limited to a maximum of 30 feet. 2. That no front driveway approach shall be permitted. 3. That there shall be no new garages constructed attached to any principal dwelling on the subject property. 4. That any principal dwelling located on the subject properties shall provide an entrance on the building elevation facing the front yard. 5. That alcoves, bay windows, vestibules and similar building elements creating interior floor area shall be at least two feet from any side lot line, measured from the exterior finish of said building elements. 6. That prior to the issuance of building permits on proposed Lot 12 the existing dwelling on proposed Lots 10 & 11 of LOT 10/12 BLOCK 2 PLAN 1886 RCMP, must be upgraded along the north wall in order to comply with the Winnipeg Building By-law and Manitoba Building Code for spatial separation, to be determined by and thereafter maintained to the satisfaction of the Director of Planning Property and Development.
18	Variance – 684 Dufferin Avenue	The Board of Adjustment concurred in the recommendation of the Winnipeg Public Service, as amended, and approved a

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	DAV 211965/2019C	Variance on "the land" for the construction of an addition to an existing warehouse building to permit as follows: 1. No front yard 2. No east corner side yard Subject to the following conditions: 1. That the development shall be constructed substantial conformance with plans submitted under File No. DAV 211965/2019C, sheets 1-4, dated November 22, 2019 and thereafter maintained to the satisfaction of the Director of Planning, Property and Development. OR That the Owner must submit plans showing the location and design of any and all proposed: A. buildings including elevations of the front facades identifying proposed finishing materials B. accessory parking areas C. fencing D. landscaping on the Owner's Land ("Works") to the Director of Planning, Property and Development for approval prior to issuance of any building or development permit, and thereafter must construct the Works in substantial conformance with the approved plans and maintain the Works to the satisfaction of the Director.
19	Variance – 1011 Powers Street DAV 181577/2019C	The Board of Adjustment concurred in the recommendation of the Winnipeg Public Service and approved a Variance on "the land" as follows: 1. For the expansion of a multi-family dwelling by the addition of two (2) dwelling units in the basement to permit: A. a lot area per dwelling unit of 720 square feet (66.89 square metres) B. no additional parking spaces 2. a fence height of 7.5 feet (2.29 metres) for the bike cage in the side/rear yard Subject to the following conditions: 1. That the development shall be constructed in substantial conformance with the plans submitted attached hereto and identified as Sheets 1 through 6 for File No. DAV 19-181577/C dated November 20, 2019, and maintained

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		thereafter to the satisfaction of the Director of Planning, Property and Development; OR That the Owner must submit plans showing the location and design of any and all proposed: A. accessory parking areas B. fencing C. bike racks on the Owner's Land ("Works") to the Director of Planning, Property and Development for approval prior to the issuance of any building or development permit, and thereafter must construct the Works in substantial conformance with the approved plans and maintain the Works to the satisfaction of the Director.
20	Variance – 733 Lagimodiere Boulevard DAV 203947/2019C	The Board of Adjustment concurred in the recommendation of the Winnipeg Public Service and approved a Variance on "the land" for the construction of a multi-use, commercial building to permit a height of 81 feet (24.69 metres).
21	Variance – 1801 McDermot Avenue West DAV 196879/2019C	The Board of Adjustment concurred in the recommendation of the Winnipeg Public Service and approved a Variance on "the land" as follows: 1. For the establishment of two residential zoning lots to permit as follows: A. on proposed Lot 1, a lot area of 3,358 square feet (312.0 square metres) B. on proposed Lot 2, a lot area of 2,016 square feet (187.3 square metres) 2. For the construction of a single family dwelling to permit as follows: A. on proposed Lot 1, a front yard of 12 feet (3.66 metres) B. on proposed Lot 2, a front yard of 12 feet (3.66 metres) Subject to the following conditions: 1. That the height of principal buildings shall be limited to a maximum of 30 feet. 2. That no front driveway approach shall be permitted. 3. That there shall be no new garages constructed attached to any principal dwelling on the subject property. 4. That any principal dwelling located on the subject properties shall provide an entrance on the building elevation

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		facing the front yard. 5. That each newly constructed dwelling shall be distinctly different from one another in terms of the design, and incorporate a balance of varying materials into the front façade. 6. That the development shall be constructed in substantial conformance with the plans submitted under File No. DAV 19-196879\C, sheets 2 of 9 and 6 of 9, dated October 11, 2019, and thereafter maintained to the satisfaction of the Director of Planning, Property and Development; OR That the Owner must submit plans showing the location and design of any and all proposed: A. buildings including elevations of the front façades identifying proposed finishing materials B. accessory parking areas C. driveways D. fencing E. landscaping on the Owner's Land ("Works") to the Director of Planning, Property and Development for approval prior to the issuance of any building or development permit and thereafter must construct the Works in substantial conformance with the approved plans and maintain the Works to the satisfaction of the Director. 7. That alcoves, bay windows, vestibules and similar building elements creating interior floor area shall be at least two feet from any side lot line, measured from the exterior finish of said building elements.
22	Variance – 945 Marion Street DAV 202128/2019C	The Board of Adjustment concurred in the recommendation of the Winnipeg Public Service and approved a Variance on "the land" for the construction of an addition to existing warehouse to permit as follows: 1. no front yard 2. insufficient parking 3. insufficient street edge landscaping 4. no pedestrian connection Subject to the following conditions: 1. That the development shall be constructed in substantial conformance with the plans submitted attached hereto and

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		identified as Sheet Nos. 1 to 7 for File No. DAV 19-202128/C dated December 3, 2019; and maintained thereafter to the satisfaction of the Director of Planning, Property and Development. 2. That the subject variances shall terminate upon the demolition or removal of the entire existing principal building currently located on the subject property (consisting of Pt Lot 6 and Lot 7, Plan 5038).
23	Conditional Use – 309 Des Meurons Street DCU 207571/2019C	The Board of Adjustment concurred in the recommendation of the Winnipeg Public Service, as amended, and approved a Conditional Use on "the land" to permit an accessory outdoor dining/drinking use (patio) with an area of 500 square feet, subject to the following conditions: 1. That the Conditional Use granted by the Order shall be operated in compliance with the Neighbourhood Liveability By-law No. 1/2008 (Part 5). 2. No emission or projection of sound, from loudspeakers or from any other sound-amplifying equipment shall extend beyond the perimeter of the patio, audible from any adjacent property; 3. All patio service shall be stopped and all customers relocated inside the establishment by 11:00 p.m.
24	Variance – 71 St. Michael Road DAV 197694/2019C	The Board of Adjustment concurred in the recommendation of the Winnipeg Public Service, as amended, and approved a Variance on "the land" for the establishment of three residential lots to permit as follows: 1. On Proposed Lots 1 and 2: A. a lot area of 5,058 square feet (469.9 square metres) B. a lot width of 42 feet (12.80 metres) 2. On Proposed Lot 3: A. a lot area of 6,387 square feet (593.4 square metres) Subject to the following conditions: 1. That the height of principal buildings shall be limited to a maximum of 30 feet. 2. That any principal dwelling located on the subject properties shall provide an entrance on the building elevation facing the front yard. 3. That each newly constructed dwelling shall be distinctly different from one another in terms of the design, and incorporate a balance of varying materials into the front façade.

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		4. That the Owner must submit plans showing the location and design of any and all proposed: A. buildings including elevations of the front façades identifying proposed finishing materials B. accessory parking areas C. driveways D. fencing E. landscaping on the Owner's Land ("Works") to the Director of Planning, Property and Development for approval prior to the issuance of any building or development permit and thereafter must construct the Works in substantial conformance with the approved plans and maintain the Works to the satisfaction of the Director. 5. That alcoves, bay windows, vestibules and similar building elements creating interior floor area shall be at least two feet from any side lot line, measured from the exterior finish of said building elements. 6. That for the proposed Lot 3, a private vehicular approach shall not be permitted on St. Michael Road. 7. That an arborist's report on the viability of retaining existing trees be submitted to the Director of Planning, Property and Development for information. 8. That the owner must submit a landscaping plan, showing the locations and species of existing trees to be retained in accordance with the arborist's report.
25	Variance – 159 Imperial Avenue DAV 181017/2019C	The Board of Adjustment concurred in the recommendation of the Winnipeg Public Service and approved a Variance on "the land" for the establishment of a residential zoning lot to permit a lot area of 2,550 square feet (236.9 square metres) on Lot 62, subject to the following conditions: 1. That the height of principal buildings shall be limited to a maximum of 30 feet. 2. That no front driveway approach shall be permitted. 3. That there shall be no new garages constructed attached to any principal dwelling on the subject property. 4. That any principal dwelling located on the subject properties shall provide an entrance on the building elevation facing the front yard. 5. That each newly constructed dwelling shall be distinctly different from one another in terms of the design, and incorporate a balance of varying materials into the front façade. 6. That the Owner must submit plans showing the location and design of any and all proposed:

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		A. buildings including elevations of the front façades identifying proposed finishing materials B. accessory parking areas C. driveways D. fencing E. landscaping on the Owner's Land ("Works") to the Director of Planning, Property and Development for approval prior to the issuance of any building or development permit and thereafter must construct the Works in substantial conformance with the approved plans and maintain the Works to the satisfaction of the Director. 7. That alcoves, bay windows, vestibules and similar building elements creating interior floor area shall be at least two feet from any side lot line, measured from the exterior finish of said building elements. 8. That the existing approach to the subject site from Imperial Avenue to Lot 63 must be removed and that the curb, sidewalk and boulevard be restored as determined by and to the satisfaction of the Director of Public Works. 9. That prior to issuance of permits, an arborist's report on the viability of retaining existing trees be submitted to the Director of Planning, Property and Development for information.
26	Variance – 669 St. Mary's Road DAV 206819/2019C	The Board of Adjustment concurred in the recommendation of the Winnipeg Public Service, as amended, and approved a Variance on "the land" as follows: 1. For the construction of a multi-family dwelling to permit: A. a lot area per dwelling unit of 1,080.56 square feet (100.38 square metres) B. a front yard of 5 feet (1.52 metres) C. a rear yard of 19 feet (5.79 metres) D. 6 parking spaces E. insufficient street edge landscaping F. insufficient building foundation landscaping 2. For the establishment of an accessory parking area to permit: A. no visitor parking space

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		B. no south side yard C. insufficient buffering to a parking area that is located within 20 feet (6.10 metres) of a rear lot line abutting or adjacent to a residential zoning district. Subject to the following condition: 1. That the Owner must submit plans showing the location and design of any and all proposed: A. buildings B. accessory parking areas C. driveways D. garbage enclosures E. fencing F. freestanding signage G. landscaping on the Owner's Land ("Works") to the Director of Planning, Property and Development for approval prior to the issuance of any building or development permit, and thereafter must construct the Works in substantial conformance with the approved plans and maintain the Works to the satisfaction of the Director.