Minutes – Board of Adjustment – January 8, 2020

PUBLIC HEARINGS

Item No. 20 Variance – 733 Lagimodiere Boulevard
(Transcona Ward)
File DAV 203947/2019C

BOARD OF ADJUSTMENT DECISION:

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).

DECISION MAKING HISTORY:

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

Moved by Joel Remis,

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

Carried

Moved by Joel Remis,

That the receipt of public representations be concluded.

Carried

Moved by Joel Remis,

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:

1. The Board of Adjustment agreed with the administrative comments contained in the report of the Urban Planning Division dated December 17, 2019.

Carried

DECISION MAKING HISTORY (continued):

Moved by Joel Remis,

That the recommendation of the Winnipeg Public Service be concurred in, and the Variance be approved.

Carried

Moved by Joel Remis,

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

Carried

THE CITY OF WINNIPEG
VARIANCE ORDER
BOARD OF ADJUSTMENT

DAV 203947/2019C

Before:	Board of Adjustment Bill Sawka, Chairperson Bill Evans Joel Remis
Hearing:	January 8, 2020 Council Building, 510 Main Street
Applicant:	Ironclad Developments (Breanne Jack)
Premises Affected:	733 Lagimodiere Boulevard
Legal Description:	LOT 2 PLAN 55625 RCMP, hereinafter called “the land”
Property Zoned:	"M1" Manufacturing Light
Nature of Application:	To vary the "M1" District Dimensional standards of the Winnipeg Zoning By-Law No. 200/2006 for the construction of multi-use, commercial building to permit height of 81 feet (24.69 metres) instead of 65 feet (19.81 metres) as previously approved under DAV 19-161473/C..

It is the opinion of the Board of Adjustment that subject to conditions listed below, if any, this Variance meets the statutory criteria as outlined in Subsection 247(3) of The City of Winnipeg Charter in that it:

(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:

1. The Board of Adjustment agreed with the administrative comments contained in the report of the Urban Planning Division dated December 17, 2019.

ORDER:

The Board of Adjustment orders that the provisions of the "M1" District Dimensional standards of the Winnipeg Zoning By-Law No. 200/2006 are varied on “the land” for the construction of a multi-use, commercial building to permit a height of 81 feet (24.69 metres).

THIS ORDER IS SUBJECT TO ALL BUILDING, HEALTH OR OTHER REGULATIONS PERTAINING TO THE LAND HEREIN REFERRED TO.

DATE OF ORDER: January 14, 2020

CERTIFIED BY:

K. McMillan
Senior Committee Clerk

HOW TO APPEAL

If you object to this Order, you are entitled to file a notice of appeal. Your notice of appeal must:

(a) be in writing;

(b) contain your name, mailing address and phone number;

(c) be addressed as set out below;

(d) be received at that office not later than 4:30 p.m. on January 31, 2020;

[IF RECEIVED LATE YOUR APPEAL CANNOT BE HEARD.]

(e) refer to Variance Order No. DAV 203947/2019C; and

(f) provide the reason(s) for the appeal

The City Clerk may not schedule an appeal hearing until your notice of appeal meets the above requirements.

Address:	City Clerk, City of Winnipeg c/o Appeal Committee Susan A. Thompson Building Main Floor, 510 Main Street Winnipeg, Manitoba, R3B 1B9
Fax:	204-947-3452
Email:	CLK-Appeals@winnipeg.ca

THE FOLLOWING PERSONS MADE REPRESENTATIONS AND ARE ENTITLED TO APPEAL:

In Support:

Breanne Jack

In Opposition:

Nil

For Information:

Nil

For the City:

S. Jerez, Planner, Planning, Property and Development Department
R. Hayer, Planner, Planning, Property and Development Department

EXHIBITS FILED FOR DAV 203947/2019C

1. Application dated December 16, 2019
2. Notification of Public Hearing dated December 17, 2019
3. Manitoba Status of Title 3019244/1
4. Letter of authorization dated October 23, 2019 from Ryan Van Damme (Ironclad Group Global Headquarters Holdings Inc.) to Breanne Jack (Ironclad Developments Inc.)
5. Confirmation from the Zoning and Permits Administrator that the subject property may be posted in substitution for
6. Caveat 4472824/1
7. Plans, Sheets 1 to 8 inclusive, for File DAV 203947/2019C dated October 31, 2019
8. Report from the Urban Planning Division dated December 17, 2019
9. Inspection Report

Exhibit “8” referred to in File DAV 203947/2019C

ADMINISTRATIVE REPORT

Title: DAV 19-203947C – 733 Lagimodière Blvd.

Issue: Proposed Variance to Accommodate a Proposed Multi-Use Commercial Building

Critical Path: Board of Adjustment as per the *Development Procedures By-law* and *The City of Winnipeg Charter.*

AUTHORIZATION

Author	Department Head	CFO	CAO
Glen Doney, RPP	n/a	n/a	

RECOMMENDATIONS

The Urban Planning and Design Division recommends approval of the application to vary the "M1" Manufacturing Light dimensional standards of Zoning By-Law No. 200/2006 for the construction of a multi-use, commercial building to permit a height of 81 feet (24.69 metres) instead of 65 feet (19.81 metres) as previously approved under DAV 19-161473C.

REASONS FOR REPORT

This report is required because a variance application requires a public hearing as per the *Development Procedures By-law* and *The City of Winnipeg Charter.*

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations of the Urban Planning and Design Division are concurred in the proposal can proceed.

FILE/APPLICANT DETAILS

DATE: December 17, 2019

FILE: **DAV 19-203947C**

COMMUNITY:	East Kildonan – Transcona
NEIGHBOURHOOD #:	540 (Symington Yards)
SUBJECT:	application to vary the "M1" Manufacturing Light dimensional standards of Zoning By-Law No. 200/2006 for the construction of a multi-use, commercial building to permit a height of 81 feet (24.69 metres) instead of 65 feet (19.81 metres) as previously approved under DAV 19-161473C;
LOCATION:	733 Lagimodière Blvd.
LEGAL DESCRIPTION:	Lot 2, Plan 55625
APPLICANT:	Ironclad Developments (Breanne Jack) 57158 Symington Rd., Unit 101 Springfield, Manitoba R2J 4L6
OWNERS:	6825347 Manitoba Ltd. 152 Brandt St. Steinbach, Manitoba R5G 0R2
RECOMMENDATION:	Approval

HISTORY

In August of this year, Breanne Jack of Ironclad Developments submitted a variance application (DAV 19-161473C) that accommodated an earlier version of the building proposed on the subject site.

On September 18, 2019, the Board of Adjustment concurred in the recommendation of the Winnipeg Public Service, and approved this variance application:

1) for the construction of multi-use, commercial building to permit height of 65 feet (19.81 metres); and,
2) for the establishment of accessory parking to permit no direct access to a public street or lane (access will be by a cross-access agreement with adjoining property).

At that time the interior space of the penthouse level (of the proposed building) was proposed to consist of two stairwells, two elevators and one large room directly accessible from the elevators and one stairwell. As per Zoning By-law 200/2006, the penthouse level was considered a permitted projection because it did not include habitable space, such as a kitchen.

After the Board of Adjustment approved DAV 19-161473C the proponents modified the design of the penthouse level. They reduced the size of the one room on this level and added a kitchen and a washroom. The outside appearance of the proposed building did not change. As per Zoning By-law 200/2006, the penthouse level was no longer a permitted projection because it included habitable space (a kitchen). Therefore, the proposed building height was now 81 feet.

This change required a new variance application and that application is the subject of this report.

DISCUSSION

CRITERIA FOR APPROVAL

Pursuant to Section 247(3) of *The City of Winnipeg Charter*, an application for a variance with respect to a property may be approved if the variance:

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.

SITE DESCRIPTION

The subject site, identified on Figures 1 and 2:

- is at 733 Lagimodière Boulevard;
- is in the Symington Yards Neighbourhood and the Transcona Ward;
- consists of one lot – Lot 2, Plan 55625;
- is 523,314 square feet (12.0 acres) and is irregular in shape;
- is not in use but had been used to store semi-trailers;
- is in an established industrial area;
- is zoned “M1” Manufacturing Light; and
- is in a General Manufacturing policy area of *The Complete Communities Direction Strategy.*

Also of note is that the site has no frontage on a public street or a public lane. Access to the site is from the property to the immediate north which has access to and from Lagimodière Boulevard.

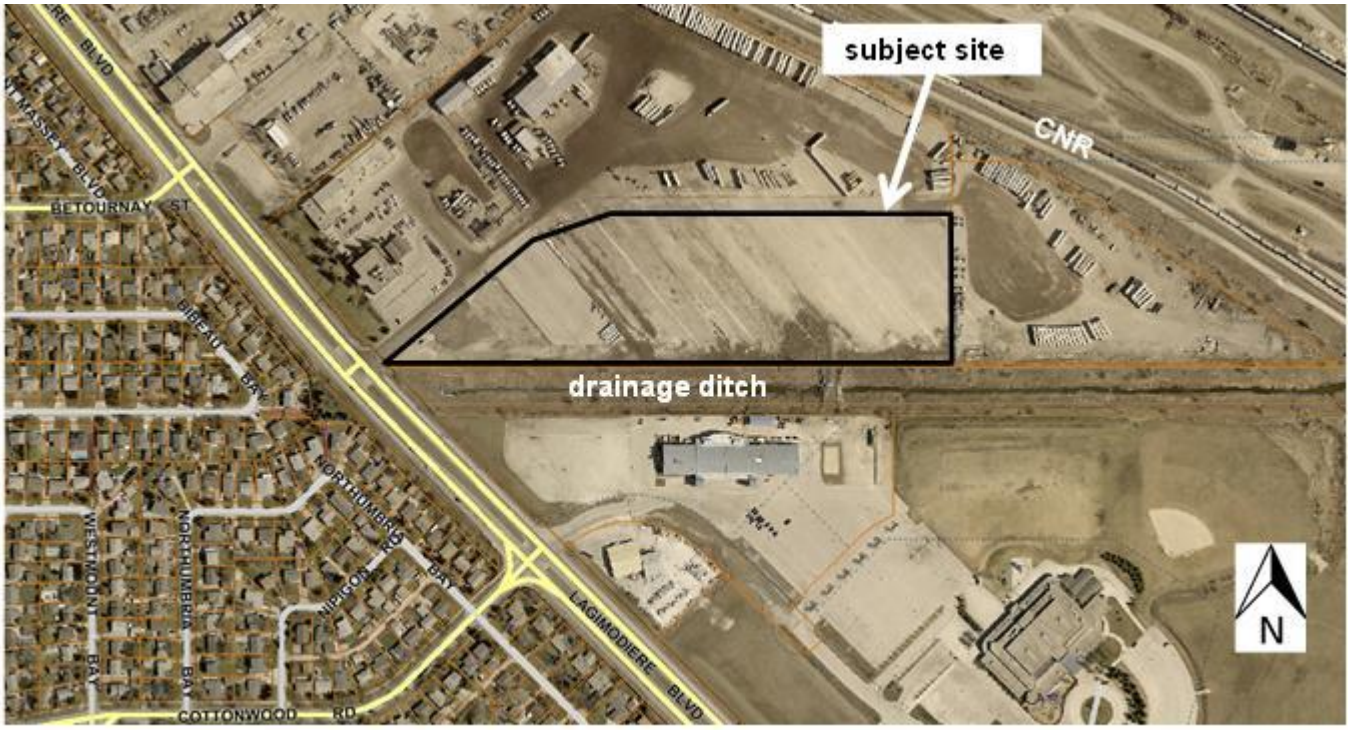


Figure 1: 2018 Aerial Photography

SURROUNDING LAND USE AND ZONING

The area in which the site is located is shown on Figures 1 and 2:

North and East:
a trucking use that includes outside storage of semi-trailers and semi-trucks, a warehouse, and an office building with accessory parking, zoned “M1” Manufacturing Light.

South: a drainage ditch zoned “M1” then a place of worship zoned “M1” and “PR2” Parks and Recreation 2 (Community)

West: Lagimodière Boulevard then a landscaped buffer zoned “PR1” Parks and Recreation 1 (Neighbourhood) then single-family dwellings (backing onto the buffer) zoned “R1-M” Residential Single-Family (Medium).

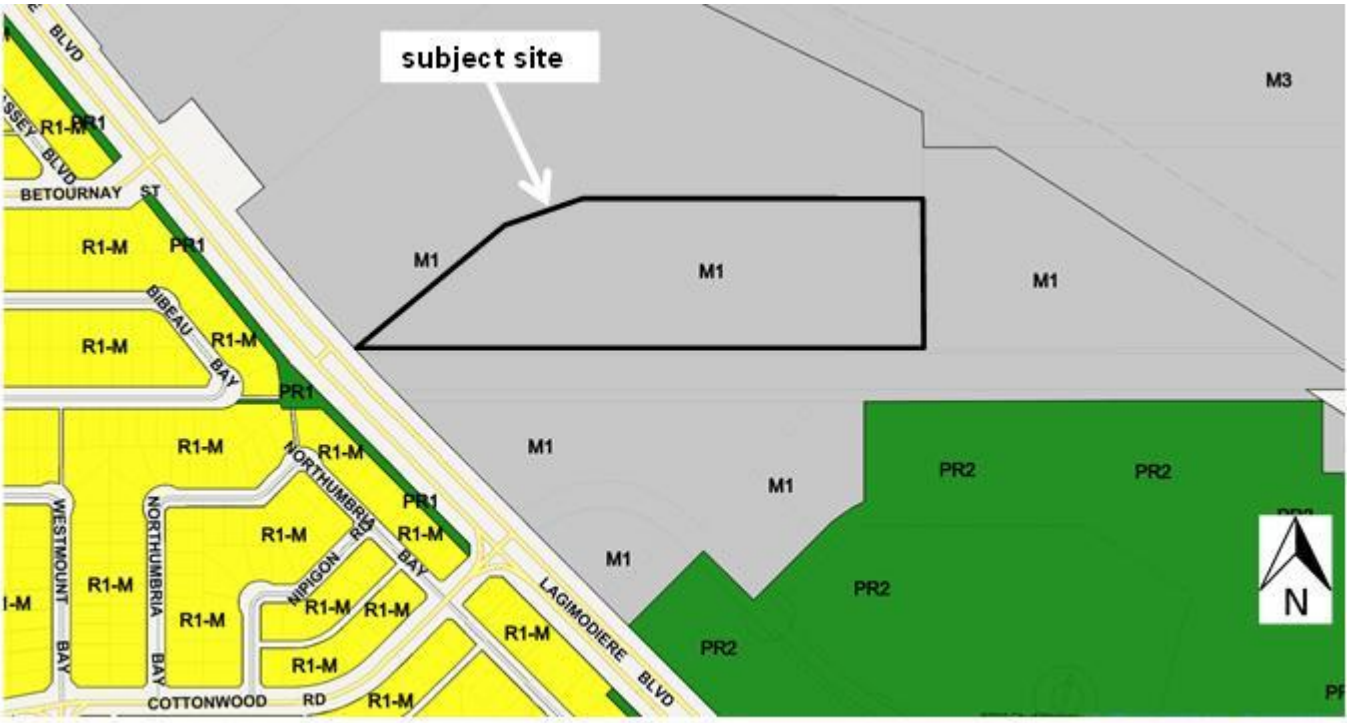


Figure 2: Existing Zoning

DESCRIPTION OF THE PROPOSED DEVELOPMENT

A six storey building, 81 feet in height, is proposed to be built on the site. It would contain:

- the offices of a development and construction company, Ironclad Developments, which is currently located outside the City of Winnipeg; and
- supportive and accessory uses that include a coffee shop and a day care for the children of company employees.

Accessory parking areas are also proposed.

The proposed building and parking are the first phase of a multi-phase development of the entire site. Future phases of development are to be located to the east of the proposed office building and the proposed accessory parking areas. Once they are completed, the entire site would be in-use. These future phases would include:

- a retail building for an associated lumber yard use;
- an industrial building for construction and maintenance operations;
- a lumber yard; and
- a construction equipment storage area.

ANALYSIS AND ISSUES

It is of note that the heights and setbacks of the proposed buidling would be the same as the original proposal, which was recommended for approval by the Urban Planning and Design Division and subsequently approved by the Board of Adjustment on September 18, 2019. Nevertheless, an analysis of the current proposal is provided below.

As previously stated, site access is to be from the property to the north, which has access to Lagimodière Boulevard. Also noted previously is that, on September 18, 2019, the Board of Adjustment concurred in the recommendation of the Winnipeg Public Service, and approved the proposed variance to permit the subject site to have no direct access to a public street or lane, and to have access, instead, by a cross-access agreement with the adjoining property.

OURWINNIPEG AND COMPLETE COMMUNITIES

OurWinnipeg is the City's development plan and *Complete Communities* is a Direction Strategy that contains additional policies on land use and development.

As previously stated, the site is in a General Manufacturing policy area of *Complete Communities.* The General Manufacturing policy area is one of three types of Employment Lands identified in *Complete Communities.*

The Key Direction of *OurWinnipeg* and *Complete Communities* that applies to the Employment Lands states:

> *Employment Lands will provide a wide range of market opportunities by accommodating new investment and economic development while contributing an abundance of new jobs for our citizens.*

Direction 3 of the Employment Lands section of *Complete Communities* also pertains to the proposed development. It states:

> *Maximize the economic development potential of existing and future employment lands.*

One of the policies under Direction 1, in the Manufacturing specific section of *Complete Communities*, also applies to the proposed development. It states:

> *Employment activities will develop and operate in a fashion that is compatible with other land uses, especially residential.*

The proposed variance and the associated development comply with the aforementioned Directions and policies because:

- the proposed variance would enable the proposed building to occupy a smaller portion of the site than would otherwise be the case;
- the area of the site that would not be occupied in this first phase of development would be large enough to accommodate the other uses planned to be established in future phases of development;
- the current and future phases of development would be significant investments in a property that is not in use; and
- the proposed development would be well separated from the nearest residential uses by Lagimodière Boulevard and a landscaped buffer.

COMPATIBILITY AND EFFECT ON THE AREA

The proposed variance and the associated development would be compatible with the area in which the site is situated (and have no adverse effect on it) because the site is well separated from residential uses.

EFFECT OF ZONING BY-LAW ON THE SITE AND MODIFICATION OF ZONING BY-LAW

A zoning by-law should be consistent with the Development Plan and any applicable Secondary Plan. The analysis above shows that the proposed variance and the proposed development comply with *OurWinnipeg* and *Complete Communities* and that they are compatible with the area in which the site is situated.

Therefore:

- Zoning By-law 200/2006 has an injurious effect on the site; and
- the proposed variance is the minimum modification required to relieve the injurious effect.

REASONS FOR THE RECOMMENDATIONS

In the context of Section 247(3), the Urban Planning Division recommends approval for the following reasons:

a) the proposed variance is consistent with Plan Winnipeg and any applicable secondary plan;

in that it complies with *OurWinnipeg* and *Complete Communities*;

b) the proposed variance 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;

in that it is compatible with the neighbourhood;

c) the proposed variance is the minimum modifications of a zoning-by-law required to relieve the injurious effect of the zoning by-law on the applicant's property;

in that the proposed variance complies with *OurWinnipeg* and *Complete Communities* and is compatible with the neighbourhood;

d) the proposed variance is compatible with the area in which the property to be affected is situated;

in that the site is well separated from residential uses.

CONSULTATION

N/A

OURWINNIPEG POLICY ALIGNMENT

The Key Direction of *OurWinnipeg* that applies to the subject site states:

> *Employment Lands will provide a wide range of market opportunities by accommodating new investment and economic development while contributing an abundance of new jobs for our citizens.*

The proposed variance complies with this Key Direction and, therefore, with *OurWinnipeg* in general, because:

- the proposed variance would enable the proposed building to occupy a smaller portion of the site than would otherwise be the case;
- the area of the site that would not be occupied in this first phase of development would be large enough to accommodate the other uses planned to be established in future phases of development; and
- the current and future phases of development would be significant investments in a property that is not in use.

WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

Strategic Opportunity #4 of the Winnipeg Climate Action Plan states “Facilitate Compact, Complete Development and Increase Density.”

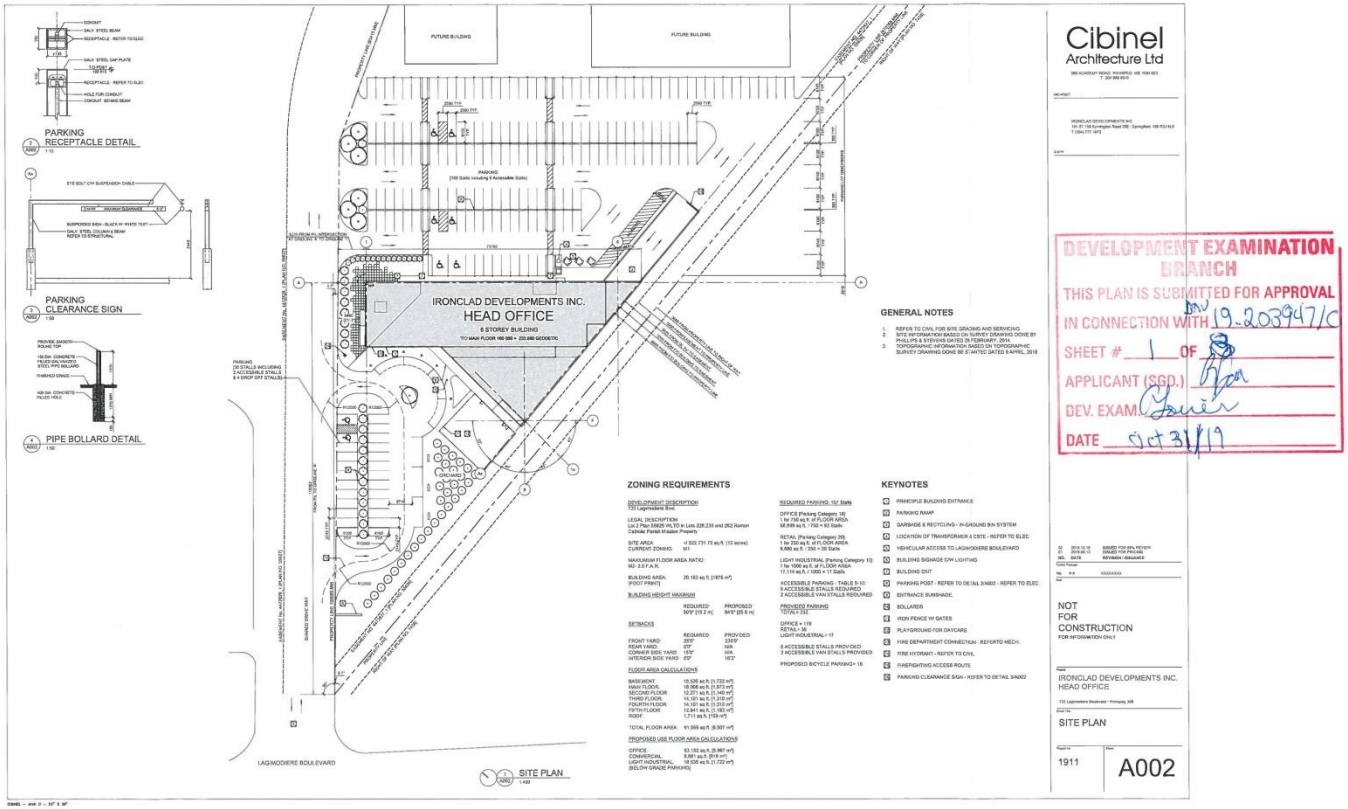
Key Direction 4.4 of the Actiion Plan states “Support Redevelopment of Former Commercial and Industrial Lands into Active Use.”

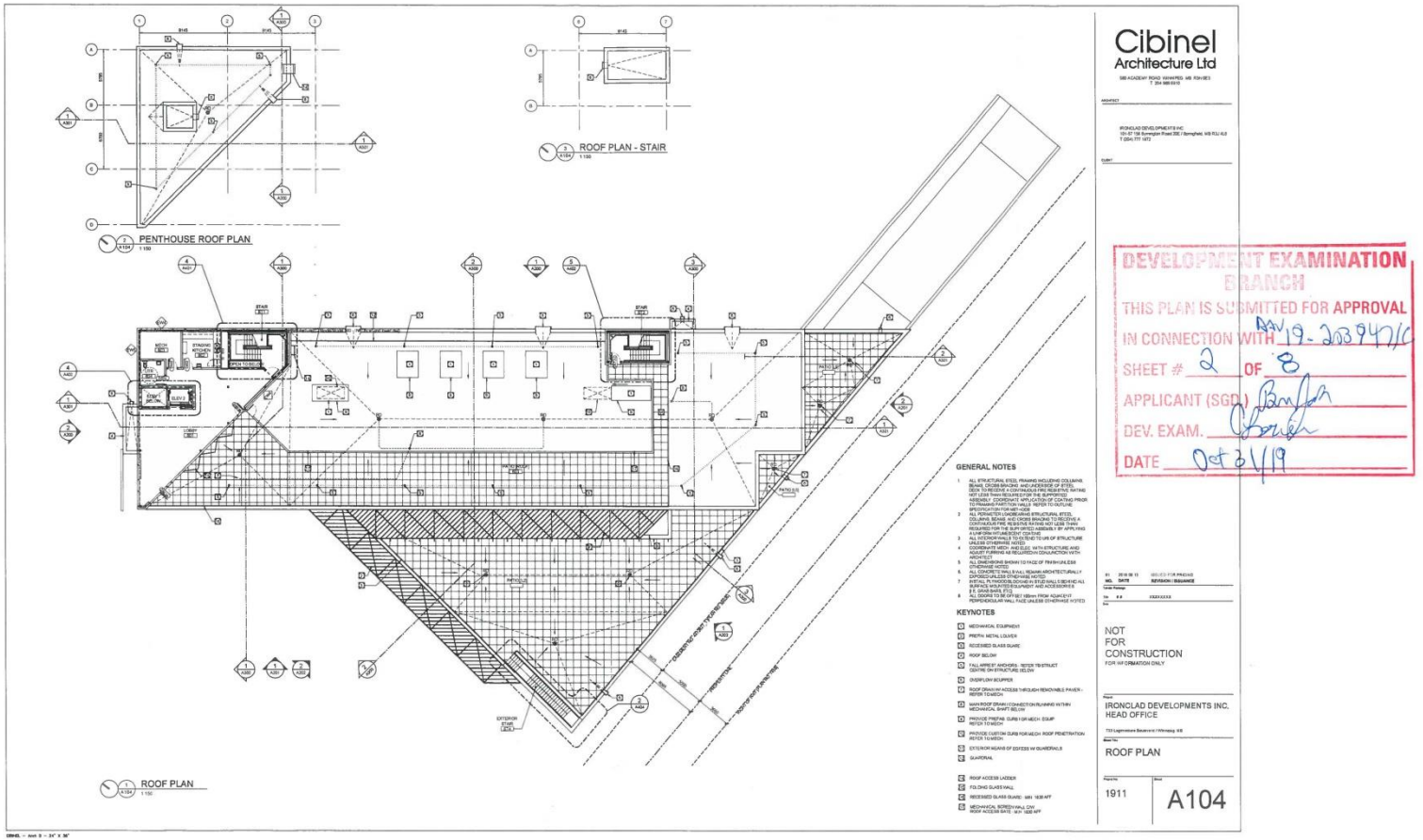
The proposed variance and the proposed development align with the Action Plan because the proposal includes the construction of a six-storey building on a vacant parcel of land that is in an established industrial area.

SUBMITTED BY

Department:	Planning, Property and Development
Division:	Urban Planning and Design
Prepared by:	Glen Doney
Date:	December 17, 2019
File No.	DAV 19-203947C

Exhibit “7” referred to in File DAV 203947/2019C




PENTHOUSE ROOF PLAN
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GENERAL NOTES
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HEAD OFFICE
ROOF PLAN
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DEVELOPMENT EXAMINATION
BRANCH
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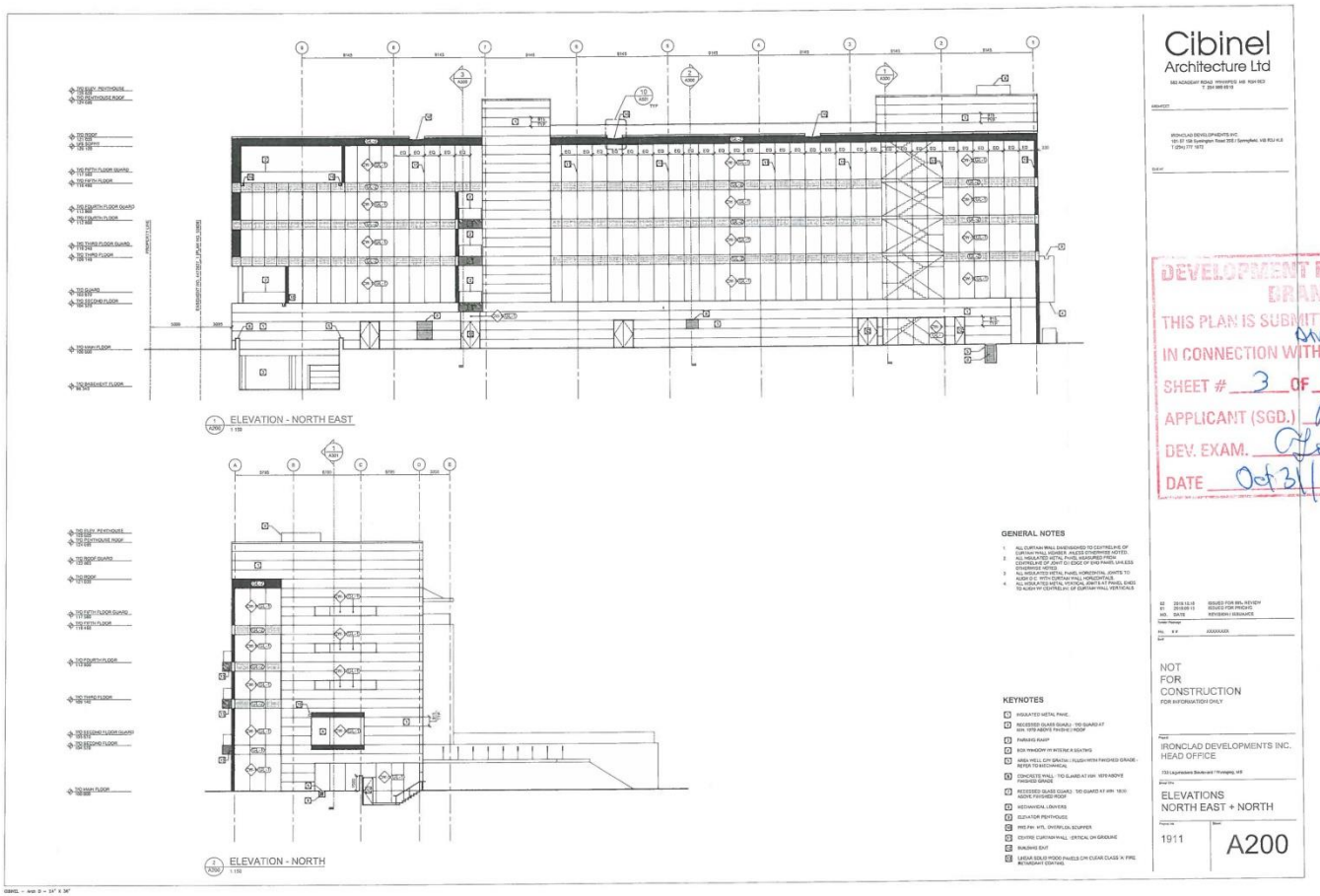
IN CONNECTION WITH DAV 19-203947/0
SHEET # 2 OF 8
APPLICANT (SGD.)
DEV. EXAM.
DATE Oct 31/19


ELEVATION - NORTH EAST
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IRONCLAD DEVELOPMENTS INC.
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NORTH EAST + NORTH
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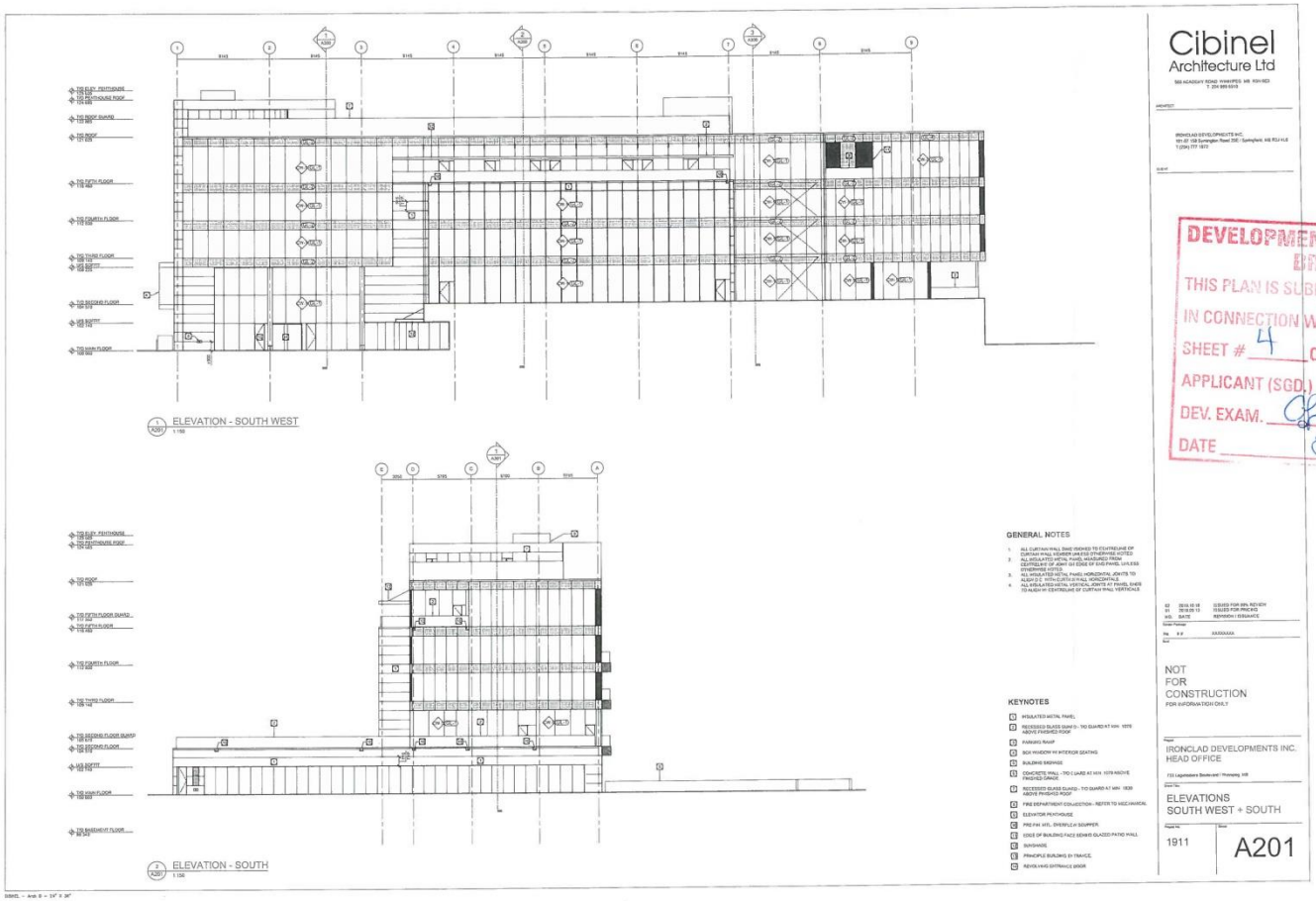
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APPLICANT (SGD.)
DEV. EXAM.
DATE Oct 31/19
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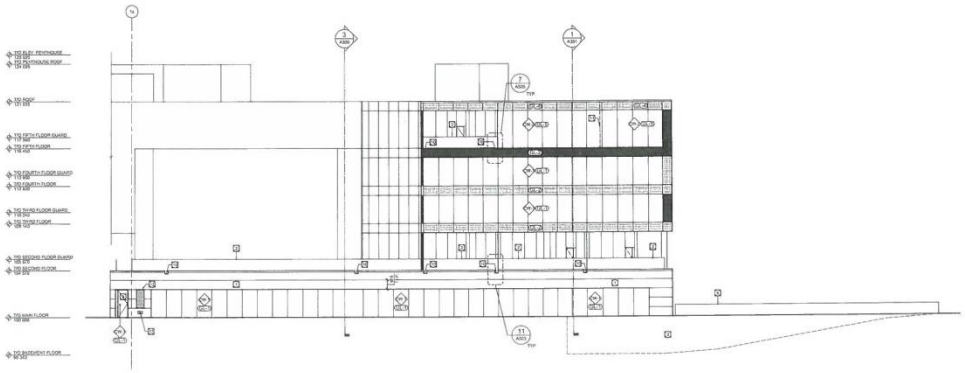

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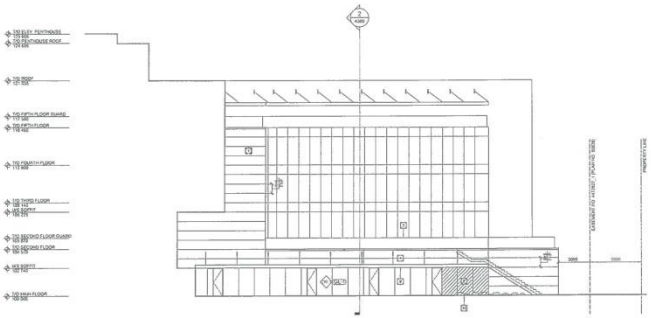

2 A202 ELEVATION - WEST
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GENERAL NOTES

1. ALL CURTAIN WALL DIVISIONS TO LEFT/RIGHT OF CENTRELINE OF GRID UNLESS NOTED OTHERWISE
2. ALL INSULATED METAL PANEL HEADS/REC FROM CENTRELINE OF JOINT OR EDGE OF EXIS PANEL UNLESS NOTED OTHERWISE
3. ALL INSULATED METAL PANEL HORIZONTAL JOINTS TO ALIGN O.C. NOTE CURTAIN WALL HORIZONTALS
4. ALL INSULATED METAL VERTICAL JOINTS AT PANEL EXIS TO ALIGN W/ CENTRELINE OF CURTAIN WALL VERTICALS

KEYNOTES

1. INSULATED METAL PANEL
2. RECESSED GLASS GUARD - T/O GUARD AT ±0'-10" ABOVE FINISHED ROOF
3. PARKING RAMP
4. SKY WINDOW W/ INTERIOR SOFFIT
5. SPRINKLER PROTECTED OPENING
6. CONCRETE WALL - T/O GUARD AT ±0'-10" ABOVE FINISHED GRADE
7. RECESSED GLASS GUARD - T/O GUARD AT ±0'-0" ABOVE FINISHED ROOF
8. SUNSHADE
9. CURTAINWALL GLAZING EXPOSED TO EXTERIOR OR BOTH SIDES
10. LANDSCAPING - ROCK GARDEN
11. EDGE OF BUILDING FACE BEHIND GLAZED PATIO WALL
12. MECHANICAL PENETRATION

Cibinel
Architecture Ltd

500 ACADEMY ROAD WINNIPEG MB R3N 0C3
T. 204 888 6519

ARCHITECT

IRONCLAD DEVELOPMENTS INC
151-37 155 Symington Road 280 / Elsenhtml, MB R3J 3L6
T (204) 777 1973

DEVELOPMENT EXAMINATION BRANCH
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IN CONNECTION WITH DAV 19-203947/C
SHEET # 5 OF 8
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02	2019.10.18	ISSUED FOR DEV. REVIEW
01	2019.09.13	ISSUED FOR PRICING
NO.	DATE	REVISION / ISSUANCE

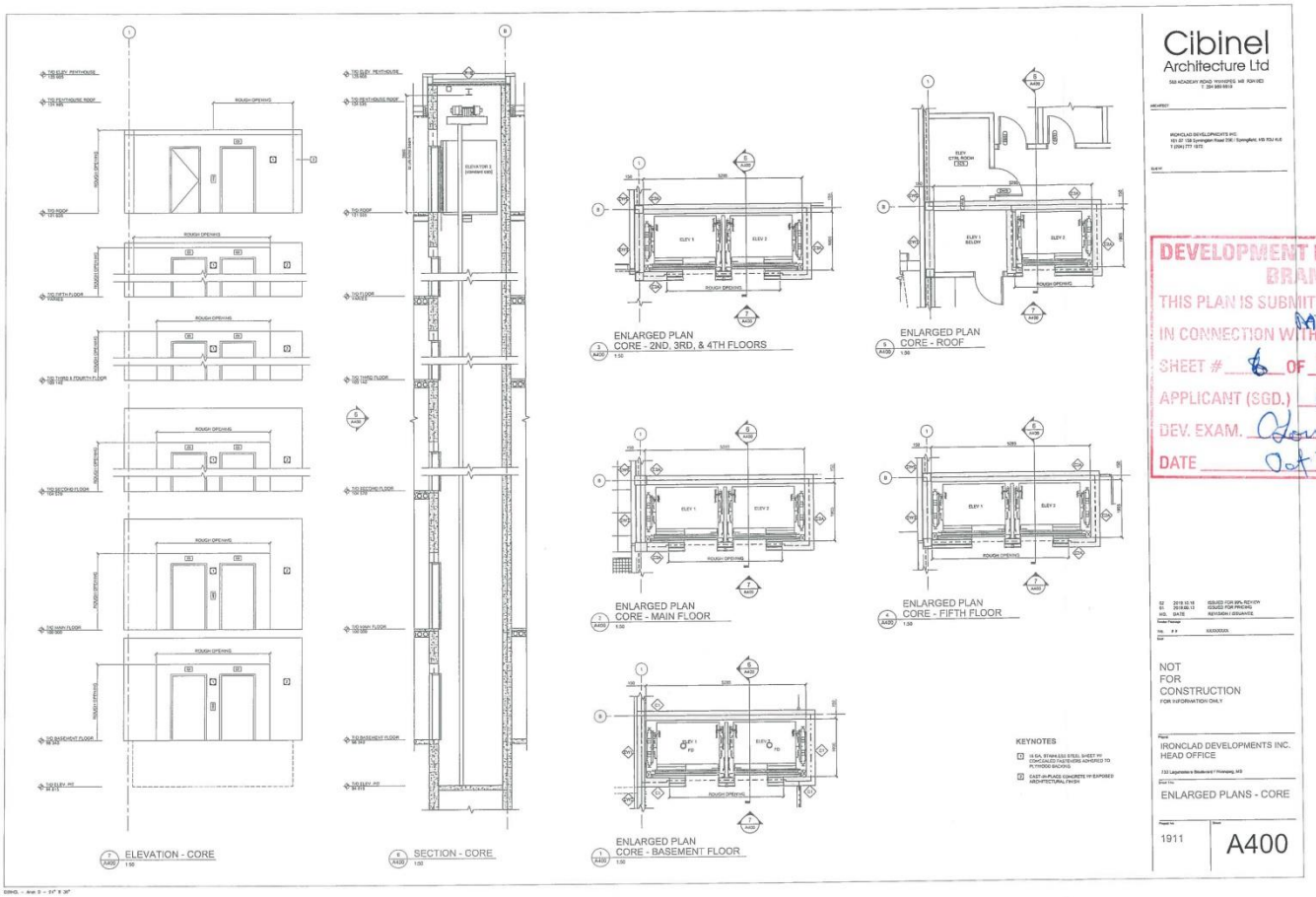
Issued for
No. # #
Issue

NOT FOR CONSTRUCTION
FOR INFORMATION ONLY

Project
IRONCLAD DEVELOPMENTS INC.
HEAD OFFICE
733 Logan Avenue Boulevard / Winnipeg, MB

Sheet Title
ELEVATIONS
SOUTH + WEST

Project No. 1911
Sheet A202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1 A400 ENLARGED PLAN
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KEYNOTES
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Architecture Ltd
DEVELOPMENT EXAMINATION
BRANCH
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IN CONNECTION WITH 19-203947C
SHEET # 6 OF 8
APPLICANT (SGD.)
DEV. EXAM.
DATE Oct 31/19
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IRONCLAD DEVELOPMENTS INC.
HEAD OFFICE
ENLARGED PLANS - CORE
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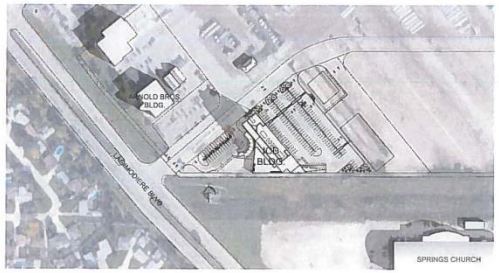

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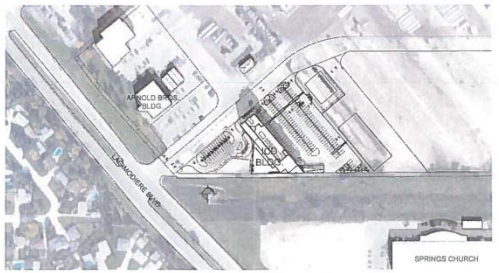

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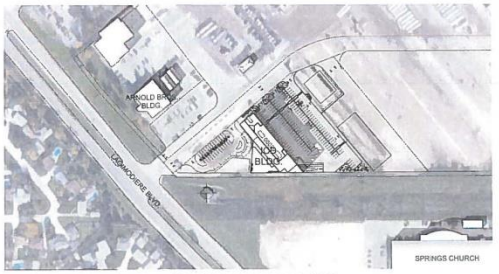

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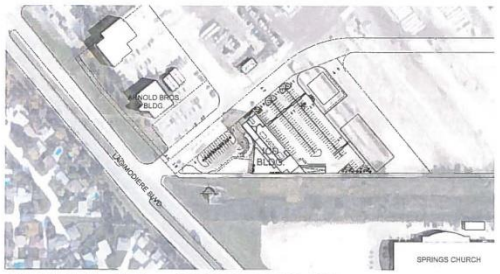

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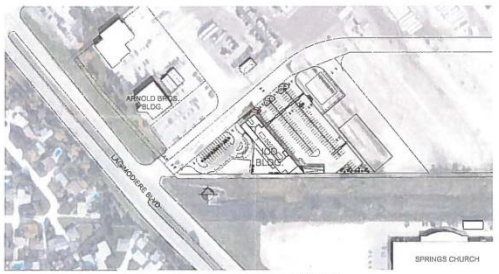

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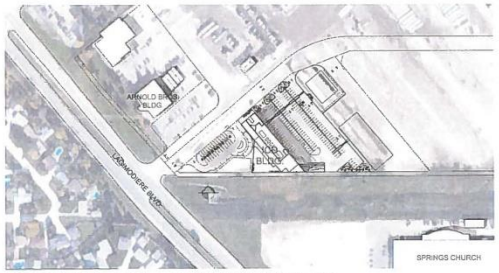
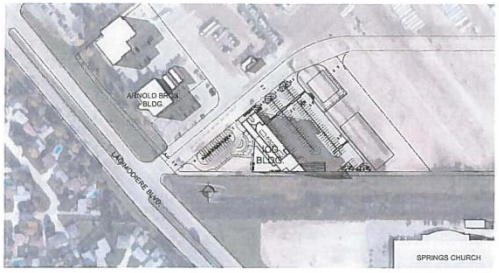


190531 ICD Head Office - ST GMT-0600 06-21 1500

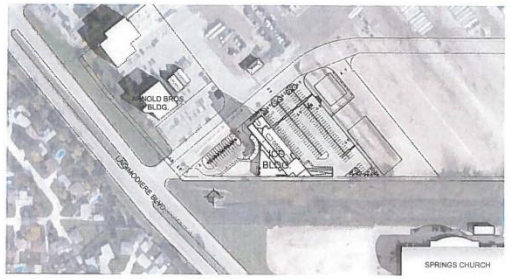


190531 ICD Head Office - ST GMT-0600 06-21 1800

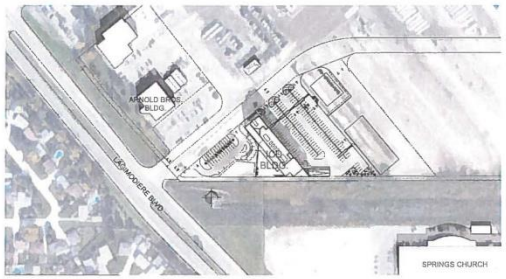
DEVELOPMENT EXAMINATION BRANCH
THIS PLAN IS SUBMITTED FOR APPROVAL
IN CONNECTION WITH DAV 19-203947/C
SHEET # 7 OF 8
APPLICANT (SGD.) [signature]
DEV. EXAM. [signature]
DATE Oct 31/19

SHADOW STUDY (MARCH AND JUNE)

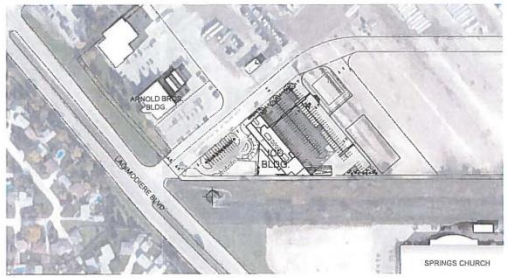
IRONCLAD DEVELOPMENTS INC.
HEAD OFFICE
733 Lagimodiere Boulevard / Winnipeg, MB



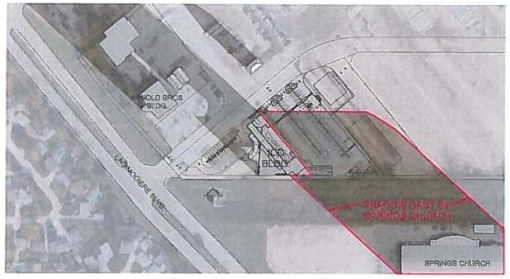
190531 ICD Head Office - ST GMT-0600 09-22 0900



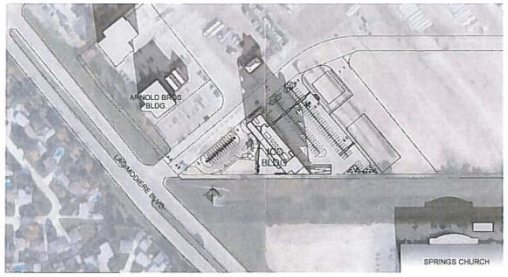
190531 ICD Head Office - ST GMT-0600 09-22 1200



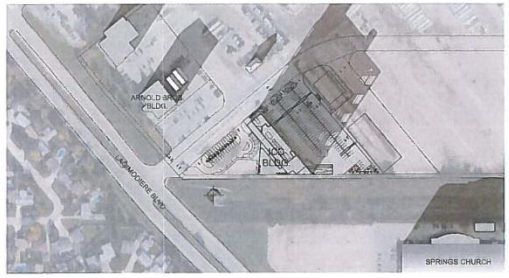
190531 ICD Head Office - ST GMT-0600 09-22 1500



190531 ICD Head Office - ST GMT-0600 12-21 0900



190531 ICD Head Office - ST GMT-0600 12-21 1200



190531 ICD Head Office - ST GMT-0600 12-21 1500

SHADOW STUDY (SEPTEMBER AND DECEMBER)

IRONCLAD DEVELOPMENTS INC.
HEAD OFFICE
733 Lagimodiere Boulevard / Winnipeg, MB

DEVELOPMENT EXAMINATION BRANCH
THIS PLAN IS SUBMITTED FOR APPROVAL
IN CONNECTION WITH DA-203947C
SHEET # 8 OF 8
APPLICANT (SGD.)
DEV. EXAM.
DATE Oct 31/19