Minutes – Assiniboia Community Committee – January 6, 2026

PUBLIC HEARINGS

Item No. 2 Variance – 980 St. James Street
(St. James Ward)
File DAV 220581/2025D [c/r DAZ 217/2025]

COMMUNITY COMMITTEE DECISION:

The Assiniboia Community Committee concurred in the recommendation of the Winnipeg Public Service and approved a Variance on "the land" for the maintenance of an accessory parking area to permit no front yard, subject to the following condition:

1. That, if any variance granted by this order is not established within two (2) years of the date hereof, this order, in respect of that Variance shall terminate.

DECISION MAKING HISTORY:

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

Moved by Councillor Dobson,
That the report of the Winnipeg Public Service be taken as read.

Carried

Moved by Councillor Dobson,
That the receipt of public representations be concluded.

Carried

Moved by Councillor Dobson,
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 Reason:

1. This was just a small error, both lots were changed from C3 to RMU when the intent was only for Lot 1 to be changed to RMU, so this is correcting an error.

Carried

DECISION MAKING HISTORY (continued):

Moved by Councillor Dobson,

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

Carried

Moved by Councillor Dobson,

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

Carried

THE CITY OF WINNIPEG
VARIANCE ORDER
ASSINIBOIA COMMUNITY COMMITTEE

DAV 220581/2025D [c/r DAZ 217/2025]

Before:	Assiniboia Community Committee Councillor Duncan, Chairperson Councillor Dobson Councillor Lukes
Hearing:	January 6, 2026 Council Building, 510 Main Street
Applicant:	The City of Winnipeg (Director of Planning, Property and Development)
Premises Affected:	980 St. James Street
Legal Description:	LOT 1 PLAN 74457, hereinafter called "the land"
Property Zoned:	"RMU PDO-1 Airport Vicinity, Mature Communities PDO-1, PDO-1 Malls and Corridors" (Residential Mixed Use Planned Development Overlay-1 (District)) Proposed "C3 PDO-1 Airport Vicinity, PDO-1 Mature Communities, PDO-1 Malls and Corridors"
Nature of Application:	To vary the Proposed "C3 PDO-1 Airport Vicinity, Mature Communities, PDO-1, PDO-1 Malls and Corridors" Development and Design Standards of the Winnipeg Zoning By-law No. 200/2006 for the maintenance of an accessory parking area to permit no front yard instead of 25 feet (7.62 metres).

It is the opinion of the Assiniboia Community Committee that subject to the 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 Reasons:

1. This was just a small error, both lots were changed from C3 to RMU when the intent was only for Lot 1 to be changed to RMU, so this is correcting an error.

ORDER:

The Assiniboia Community Committee orders that the provisions of the Proposed "C3 PDO-1 Airport Vicinity, PDO-1 Mature Communities, PDO-1 Malls and Corridors" Development and Design Standards of the Winnipeg Zoning By-law No. 200/2006 are varied on "the land" for the maintenance of an accessory parking area to permit no front yard, subject to the following conditions, which the Assiniboia Community Committee considers necessary to ensure compliance with criteria (a) to (d) in Subsection 247(3) of the City of Winnipeg Charter, namely:

1. That, if any variance granted by this order is not established within two (2) years of the date hereof, this order, in respect of that Variance shall terminate.

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

DATE OF ORDER: January 7, 2026

CERTIFIED BY:



L. Cowan
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 26, 2026;

[IF RECEIVED LATE YOUR APPEAL CANNOT BE HEARD]

(e) refer to Variance Use Order No. DAV 220581/2025D; 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:

Rakvinder Hayer

In Opposition:

Nil

For Information:

Nil

For the City:

R. Galston, Urban Planner, Planning, Property and Development Department
S. Klassen, Planner, Planning, Property and Development Department
K. Kowalyk, Land Development Engineer, Planning, Property and Development Department

EXHIBITS FILED FOR DAV 220581/2025D

1. Application dated September 23, 2025
2. Notification of Public Hearing dated December 15, 2025
3. Manitoba Status of Title 3337603/1
4. Letter of authorization dated September 8, 2025 from Ranch Asset Management Inc. (Simon Tapper) to City of Winnipeg, Planning, Property and Development Department
5. Confirmation from the Zoning and Permits Administrator that the subject property may be posted in substitution for newspaper advertising
6. Caveats 1065940/1, 5741221/1
7. Site Plan
8. Plans, Sheets 1, for File DAV 220581/2025D dated September 22, 2025
9. Report from the Urban Planning Division dated December 19, 2025
10. Inspection Report
11. Communication dated January 5, 2026, from Rakvinder Hayer in support of the application

Exhibit “9” referred to in File DAV 220581/2025D

ADMINISTRATIVE REPORT

Title: DAV 25-220581/D – 980 St James Street

Issue: For consideration of a Variance associated with maintenance of a restaurant and drive-through

Critical Path: Assiniboia Community Committee

AUTHORIZATION

Author	Department Head	CFO	CAO
R. Galston, MCP	n/a	n/a	

RECOMMENDATIONS

The Urban Planning and Design Division recommends **approval** of the application to vary the Proposed "C3 PDO-1 Airport Vicinity, Mature Communities PDO-1, PDO-1 Malls and Corridors " Development and Design standards of Winnipeg Zoning By-Law No. 200/2006 for the maintenance of an accessory parking area to permit no front yard instead of 25 feet (7.62 metres).

Subject to the following condition(s):

1. That, if any variance granted by this order is not established within two (2) years of the date hereof, this order, in respect of that Variance shall terminate.

REASON FOR THE REPORT

- The applicant is proposing to maintain an existing restaurant and drive-through and requires a Variance for the requirements of the *Winnipeg Zoning By-Law*.
- This report provides information regarding the subject application’s compliance with *The City of Winnipeg Charter*, section 249.

FILE/APPLICANT DETAILS

FILE: **DAV 25-220581/D**
RELATED FILES: DAZ 217/2025
COMMUNITY: Assiniboia Committee

NEIGHBOURHOOD #:	2.125 (Polo Park)
SUBJECT:	To vary the Proposed "C3 PDO-1 Airport Vicinity, Mature Communities PDO-1, PDO-1 Malls and Corridors " Development and Design standards of Winnipeg Zoning By-Law No. 200/2006 for the maintenance of an accessory parking area to permit no front yard instead of 25 feet (7.62 metres).
LOCATION:	980 St James Street
LEGAL DESCRIPTION:	LOT 1 PLAN 74457
APPLICANT:	Rakvinder Hayer (City of Winnipeg Planning, Property and Development Department) 30 Fort Street, Unit 31 Winnipeg, MB R3C 4X7
OWNER:	Ranch Asset Management, Inc. 335 8 Avenue SW, Unit 1700 Calgary, AB T2P 1C9

HISTORY

DASZ 22/2023

- In September, 2023, Winnipeg City Council approved a subdivision and rezoning of land at 914 and 980 St. James Street, to accommodate a mixed-use development at 914 St. James Street and reconfigure the lots on the subject site. This subdivision and rezoning application rezoned the entire site to the “RMU” Residential Mixed Use district.

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 property is located on the west side of St. James Street. It is in the Polo Park Neighbourhood of the St. James Ward.
- The subject property has a total area of approximately 28,244 square feet. The site contains a restaurant and drive-through use (Tim Horton's). This use has operated at this site since 2002.
- Vehicular access to the subject property is currently taken from St. James Street.
- The subject property is located in the Transformative Areas – Regional Mixed Use Policy area under the *Complete Communities Direction Strategy 2.0* Urban Structure Map.
- The property is currently zoned "RMU" Residential Mixed Use.



Figure 1: Aerial photo of subject site and surrounding area *(flown 2024)*

SURROUNDING LAND USE AND ZONING (See Figure 2)

North: Commercial uses zoned "C3" Commercial Corridor.

South: Vacant land zoned "RMU" Residential Mixed Use.

East: St. James Street, then commercial uses zoned "C3" Commercial Corridor.

West: A mix of utility and wholesale uses zoned "M1" Light Manufacturing.



Figure 2: Zoning of the site and surrounding area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant is proposing to rezone the subject site from the "RMU" Residential Multi-Family district to the "C3" Commercial Corridor district. This is to allow the maintenance of an existing restaurant and drive-through use.
- No changes to the site layout or building are proposed as part of this application. *Associated Variance (DAZ) Application*
- The proposed development is the subject of an associated Rezoning (DAZ) application concerning the proposed change of zoning to the "C3" Commercial Corridor district. Please refer to the Administrative Report under file no. DAZ 217/2025 for more information.

COLLABORATIVE PLANNING AND CONSULTATION

- Given that no changes to the use or design of the subject site are proposed, no public consultation was undertaken as part of this application.

ANALYSIS AND ISSUES

COMPLETE COMMUNITIES DIRECTION STRATEGY 2.0

- The *Complete Communities Direction Strategy 2.0* supports *OurWinnipeg 2045*, and has statutory authority as a secondary plan. The strategy guides land use and development in Winnipeg.
- As noted above, the subject property is classified as the Transformative Areas – Regional Mixed Use Centres policy area (Polo Park Area) under *Complete Communities 2.0*. Key policies include:

  Goal 1

  1.0 Manage general commercial areas in support of Complete Communities goals.

Policies

1.1 Encourage the redevelopment, infill and expansion of existing commercial areas as the preferred method of accommodating new commercial development, while still providing local commercial opportunities in new neighbourhoods

Goal 2

2.0 Manage Mixed Use Centres in support of Complete Communities goals.

Policies

2.1 Prioritize the commercial intensification of existing commercial areas in Established Neighbourhoods, Mixed Use Centres, Corridors, and Downtown over the creation of new Mixed Use Centres while being mindful of differences in commercial scale permitted in each of these designations.

CITY OF WINNIPEG ZONING BY-LAW 200/2006

- Per the dimensional and design standards of the Winnipeg Zoning By-law, commercial uses in the "C3" zoning district are required to have a minimum front yard setback of 25 feet. The applicant is proposing to maintain a restaurant and drive-through use where the accessory parking area has a front yard setback of zero (0) feet. As such, a Variance is required.

ANALYSIS OF VARIANCES

- The Urban Planning and Design Division supports the Variance to maintain a front yard setback of zero (0) feet, instead of the required front yard setback of 25 feet. As noted above, no changes to the site or new uses are proposed as part of this application.
- Further, the setback of zero (0) feet is measured from easements registered under Plan numbers 37731 and 74458. These easements have a depth of approximately ten feet, respectively, and together run across the entire frontage (width) of the subject property.
- It should be noted that, within these easement areas, a landscaped setback area of approximately five (5) feet is located. This landscaped setback area includes shrubs, which help to buffer the parking area from the public street.
- Given this, the Urban Planning and Design Division recommends approval of the Variance for reduced front yard setback.

REASONS FOR THE RECOMMENDATIONS

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

(a) is consistent with *Plan Winnipeg* and any applicable secondary plan;

***In that,** policies in* Complete Communities 2.0 support commercial uses in *Regional Mixed Use Centres.*

(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;

***In that,** the existing development has been located on this site for more than 20 years, and street edge landscaping is located within an easement area.*

(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

In that, *the Variance will allow the applicant to maintain an existing commercial use that is consistent with* Complete Communities 2.0.

(d) is compatible with the area in which the property to be affected is situated.

In that, *the surrounding area is characterized by a mix of uses, including commercial uses.*

CONSULTATION

In preparing this report there was internal consultation with: N/A

OURWINNIPEG 2045 POLICY ALIGNMENT

6.25 Regional Mixed Use Centres

- Designate Mixed-Use Centres within the Urban Structure, representing the largest commercial areas in the city with the ability to accommodate major retail uses, and become pedestrian-oriented environments connected by integrated and sustainable transportation options, and offering a variety of housing, employment, amenities and services.

WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

Strategic Opportunity #4:

- Facilitate Compact, Complete Development and Increase Density • Increase strategic infill development that provides access to and capitalizes on existing and planned corridors with frequent transit service.

WINNIPEG POVERTY REDUCTION STRATEGY ALIGNMENT

Consideration was given to whether this report connects to any of the specific Goals and Objectives in the *PRS* and it was determined the *PRS* is not applicable to this specific report.

SUBMITTED BY

Department:	Planning, Property and Development
Division:	Urban Planning and Design
Prepared by:	Robert Galston, MCP
Date:	Friday, December 19, 2025
File No.	DAV 25-220581/D

Exhibit “8” referred to in File DAV 220581/2025D

