Agenda – Appeal Committee – April 8, 2026

PUBLIC HEARINGS

Item No. 1 Appeal – Variance – 9 St. David Road
(St. Vital Ward)
File DAV 111187A/2026C

An appeal was received against the decision of the Director of Planning, Property and Development to reject a Variance on "the land" for the establishment of two residential lots not abutting a paved public lane at the rear of the lot.

Agenda – Appeal Committee – April 8, 2026

File:	DAV 111187A/2026C
Appellant(s):	John Wintrup
Applicant:	John Scott Wintrup Planning and Development (John Wintrup)
Premises Affected:	9 St. David Road
Legal Description:	LOT 7 BLOCK 5 PLAN 2094 114/117 ST B, hereinafter called "the land"
Property Zoned:	"R1-M Mature Communities PDO-1" (Residential Single-Family – Medium, Mature Communities Planned Development Overlay-1 District)
Nature of the Application:	To vary the "R1-M Mature Communities PDO-1" Development and Design Standards of Winnipeg Zoning By-Law No. 200/2006 for the establishment of two residential lots not abutting a paved public lane at the rear of the lot.
Exhibits Filed:	1. Order DAV 111187/2026C dated February 24, 2026 2. Notice of Appeal filed by John Wintrup, received February 24, 2026 3. Notification of Public Hearing dated March 20, 2026 4. Manitoba Status of Title 3387466/1 5. Letter of authorization dated January 13, 2026 from Lux Custom Homes Ltd. (Sean Kirady) to John S. Wintrup 6. Confirmation from the Zoning and Permits Administrator that the subject property may be posted in substitution for newspaper advertising 7. Plans, Sheets 1 and 2 for File DAV 111187/2026C dated March 27, 2026 8. Report from the Urban Planning Division dated February 13, 2026 9. Inspection Report

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

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 Reasons:

Moved by Councillor

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

Moved by Councillor

That Variance Order DAV 111187/2026C be confirmed / cancelled

Moved by Councillor

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

Exhibit “10” referred to in File DAV 111187A/2026C

ADMINISTRATIVE REPORT

Title: DAV 26-111187\C – 9 St David Rd

Issue: For consideration of a Variance associated with a subdivision to create two (2) residential zoning lots.

Critical Path: Director of Planning, Property, and Development

AUTHORIZATION

Author	Department Head	CFO	CAO
S. Nuttall, MCP	n/a	n/a	

DECISION AND CONDITIONS

The Urban Planning and Design Division **rejects** the application to vary the “R1-M Mature Communities PDO-1” Development and Design Standards of Winnipeg Zoning By-Law No. 200/2006 for the establishment of two residential lots not abutting a paved public lane at the rear of the lot.

REASON FOR THE REPORT

- The applicant is proposing to subdivide a lot on a gravel lane for single-family development and requires Variances for Schedule Y subdivision 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 26-111187\C**
RELATED FILES: DASSF 506/2026
COMMUNITY: Riel Committee
NEIGHBOURHOOD #: 5.515 - (ST. GEORGE)

SUBJECT: To vary the “R1-M Mature Communities PDO-1” Development and

Design Standards of Winnipeg Zoning By-Law No. 200/2006 for the establishment of two residential lots not abutting a paved public lane at the rear of the lot.

LOCATION: 9 St David Rd
LEGAL DESCRIPTION: LOT 7 BLOCK 5 PLAN 2094 114/117 ST B

APPLICANT: John Wintrup (John Scott Wintrup Planning and Development)
139 Roslyn Rd Unit 301
Winnipeg, MB R3L 0G7

OWNER: LUX CUSTOM HOMES LTD.
14 Manor Haven Dr
Winnipeg, MB R2N 4H9

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 St. David Road, in the St. George neighbourhood of the St. Vital ward.
- The subject site is 5,882 square feet (546.5 square metres) in area. The site is currently occupied by a one-and-a-half-storey building built in 1917 used as a single-family dwelling.
- The subject site is accessed by a gravel back lane.
- Under the *Complete Communities Direction Strategy 2.0*, the site is within the Established Neighbourhoods - Mature Communities policy area. The property is zoned “R1-M” Medium District.

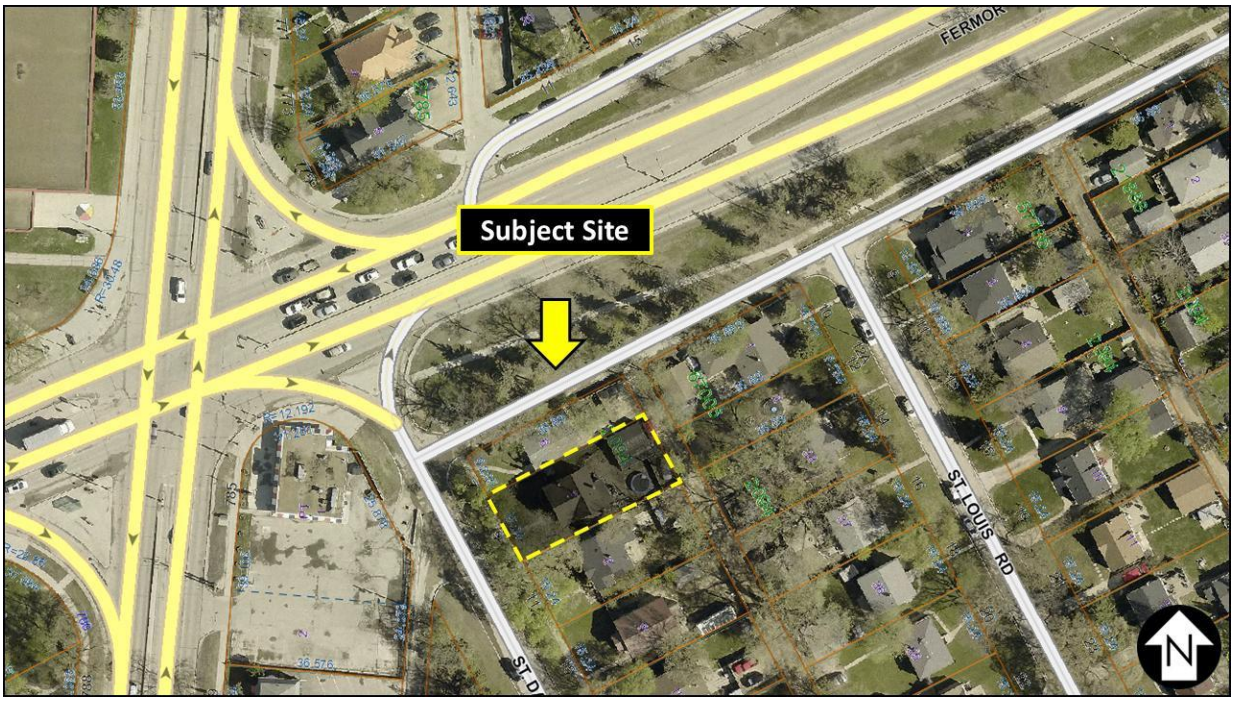

Figure 1: Aerial photo of subject site and surrounding area *(flown 2024)*

SURROUNDING LAND USE AND ZONING (See Figure 2)

North: Residential uses on land zoned “R1-M” Residential Single-Family (Medium) district, then Fermor Avenue.

South: Residential uses on land zoned “R1-M” Residential Single-Family (Medium) district.

East: Gravel lane, then residential uses on land zoned “R1-M” Residential Single-Family (Medium) district.

West: St. David Road, then residential and commercial uses on land zoned “R1-M” Residential Single-Family (Medium) district, “C1” Commercial Neighbourhood district, and “R2” Residential Two-Family district.

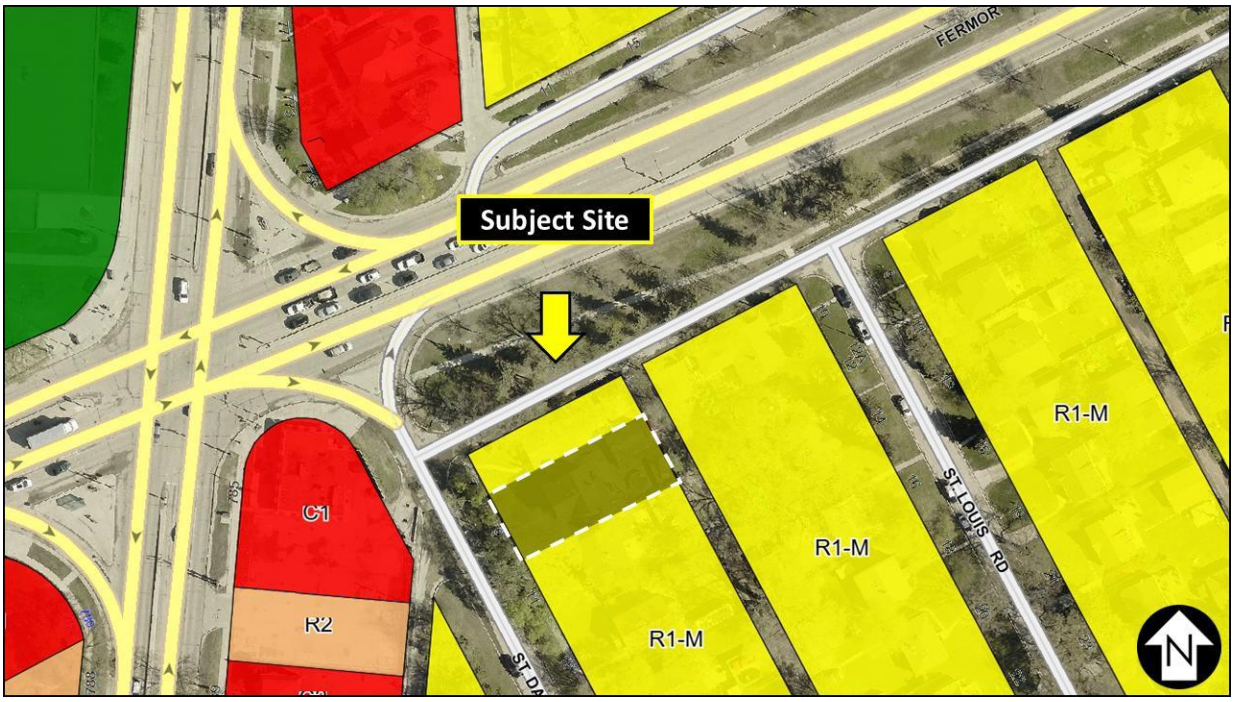

Figure 2: Zoning of the site and surrounding area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant intends to subdivide the property into two (2) lots, each 25 feet (7.62 metres) in width and 2,942 square feet (273.3 square metres) in area.
- The existing dwelling and accessory garage on site will be demolished.
- The applicant is proposing to construct a single-family dwelling with attached secondary suite on each new lot.
- No site plans or elevations have been submitted as part of this application.

COLLABORATIVE PLANNING AND CONSULTATION

With the Urban Planning and Design Division

The applicant did not reach out to the Urban Planning and Design Division prior to submitting their application.

With the Public

The applicant has not included any letters of support with their application.

ANALYSIS AND ISSUES

COMPLETE COMMUNITIES DIRECTION STRATEGY 2.0

- The *Complete Communities Direction Strategy 2.0* supports *OurWinnipeg 2045*, the City's long-range development plan, and has statutory authority as a secondary plan. The strategy guides land use and development in Winnipeg.

- As part of *Complete Communities Direction Strategy 2.0*, the City has an intensification target under Section B1. General Growth Goal 2 - Policy 2.1 states that a minimum of 50% of all new dwelling units be accommodated in the intensification target area of the city of which this property is located within.
- The subject property is located in an Established Neighbourhood designated as a "Mature Community" as outlined in *Complete Communities Direction Strategy 2.0.*
- The Vision for Established Neighbourhoods is for them to continue to evolve as complete communities to increase the diversity of housing choices, improve housing affordability, and more efficiently use land, infrastructure and services.
- Goal 1 states "encourage compatible residential development within Established Neighbourhoods to build more *Complete Communities* and align with the City's residential intensification target.
- General policies for Established Neighbourhoods that relate to the subject proposal are as follows:

  1.1 Encourage residential development that positively contributes to neighbourhood character while expanding housing options for residents in a manner that is sensitive and complementary to existing development

  1.2 Increase the population within Established Neighbourhoods to contribute to the physical renewal and revitalization of older neighbourhoods.

  1.6 In the absence of a secondary plan guiding the local development of an Established Neighbourhood, intensification should be guided by a number of factors to ensure compatible development, including:

  a. Applicable City-endorsed policies or guidelines;

  b. Existing zoning of the property and adjacent properties;

  c. Characteristics of the immediately surrounding built form including building mass, height, lot coverage, setbacks and layout;

  d. Surrounding uses and their characteristics including residential density and the intensity of commercial and other non-residential uses;

  e. Characteristics of the lot, including whether it is a corner lot, a larger lot than is typical for the neighbourhood, or the shape of the lot;

  g. The supporting street network (ex. local, collector, or arterial streets) and the street network's ability to support proposed development;

  h. The supporting transit, pedestrian and active transportation network; and

  i. The supporting water, wastewater, and land drainage infrastructure and capacity to accommodate a proposed development or ability to make the required upgrades necessary to accommodate a proposed development.
- *Complete Communities Direction Strategy 2.0* states Mature Communities "present some of the best opportunities to accommodate infill development, to increase housing choice and to maximize the use of existing infrastructure."
- Goal 2 states "design new development in Established Neighbourhoods to a high standard of urban design and construction to ensure new development adds value to public and

private urban spaces to create a sense of place and civic pride." More specifically, policies that relate to the subject proposal are as follows:

2.1 Single-family buildings should have setbacks that respect existing building alignment on a street. Setbacks should provide adequate space for tree growth and open space.

2.4 Encourage the use of high-quality, energy efficient, and durable exterior building façade materials.

2.5 Encourage a variety of architectural styles.

2.6 Encourage building design to include a range of architectural features that create visual interest and positively contribute to the aesthetics of the street and neighbourhood.

2.7 Single-family buildings should relate to the street on which they are located through the use of design elements, which may include, but are not limited to the following:

a. Front doors facing the public street;

b. Thoughtful window placement;

c. Architectural features such as porches, awnings and dormers; and

d. A variety of exterior building façade materials.

2.12 New developments should respect and complement the existing character of the built form of surrounding properties.

2.16 For properties with public lane access, vehicular access should be taken from the public lane in order to:

a. Reduce potential conflict between pedestrians using sidewalks and motor vehicles crossing the public right-of-way to access private property;

b. Preserve green space and protect existing trees that can be impacted by the establishment of front approaches and corresponding private driveways; and

c. Prevent fragmentation of the public boulevard in order to better accommodate on-street motor vehicle parking and public snow clearing.

2.21 Site design should take cues from the character of the neighbourhood or street and should mitigate the potential for land use conflict with adjacent properties that have different scales, densities and uses. Parking location (motor vehicle and bicycle), vehicular access, servicing elements, building placement and landscaping treatment will be important design elements to ensure context-sensitive design.

- Goal 3 states "ensure all communities provide a diversity of housing options and meet resident life-cycle housing needs." More specifically, policies that relate to the subject proposal are as follows:

3.1 Encourage a variety of housing types and tenures within Established Neighbourhoods to meet life-cycle housing needs and affordability ranges.

3.2 Encourage a mix of types, tenures and unit sizes within residential developments. Make provisions for unit sizes that can accommodate varying family sizes and multi-generational households.

3.6 Encourage new developments that incorporates housing types that enable "aging in place" in Established Neighbourhoods.

CITY OF WINNIPEG ZONING BY-LAW 200/2006

Reason for the Variance

The applicant is proposing to subdivide a property on a gravel lane for the construction of two single-family dwellings. According to Schedule Y (the Mature Communities PDO-1) of the Zoning By-law:

> **9(2)** A development application for subdivision of a lot within an R1 zoning district must not be approved unless:
> *amended 59/2025*
>
> (a) where the proposed subdivision will create two (2) equal-sized lots:
>
> (i) each lot meets the minimum site width requirements of this PDO; and
>
> (ii) each lot abuts a paved public lane at the rear of the lot; or

This application would create two (2) equal sized lots abutting an unpaved public lane at the rear of the lot. For this reason, a Variance is required.

Analysis of Variance

The purpose of the Mature Communities PDO-1 is to enable and guide the new construction and expansion of single-family detached dwellings in “R1”, “R2” or “RMF-S” zoning districts within the PDO Area. The clause to prohibit subdivisions on gravel lanes was adopted from the *Infill Guidelines* when this policy was added to the Winnipeg Zoning By-law. A 2024 report by the Winnipeg Public Service further details common issues as they pertain to gravel rear lanes:

“Within the City of Winnipeg, gravel lanes are considered improved rights-of-way as they have been constructed to enable vehicular traffic. However, typically during the spring melt as well as high levels of precipitation they can pose significant issues for the residential communities having access to those lanes. In particular, poor land drainage following rain and snow melt, the formation of ruts, and rapid degradation of the lane are frequently cited by residents as impeding the use of their lanes. While the lanes do facilitate access to properties and therefore function as an improved right-of-way, their poor state can restrict travel along them for many vehicles. Unlike asphalt or concrete lanes, gravel lanes are not considered paved” (p. 3).

The applicant’s proposal directly violates Section 9(2)(a)(ii) from the Mature Communities PDO-1 of the Zoning By-law. For these reasons, the Variance is **rejected.**

REASONS FOR DECISION

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

(a) is not consistent with *Plan Winnipeg* and any applicable secondary plan;

In that *the proposal for the establishment of two residential lots not abutting a paved public lane is inconsistent with Policy 1.3 in the Established Neighbourhoods chapter of Complete Communties 2.0, requiring subdivisions be done in a context sensitive manner.*

(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;

In that, *replacing one dwelling with two dwellings, each with a secondary suite, will increase traffic and therefore the rate of wear on the gravel lane, adversely affecting neighbouring properties.*

(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

In that*, the proposed Variances is a significant departure from what is permitted for subdivisions processed under the Mature Communities PDO of the Zoning By-law.*

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

In that*, the public lane at the rear of the lot is not paved (gravel), and is therefore insufficient to support the proposed "R1" subdivision as per Policy 9(2)(a)(ii) of the Mature Communities PDO.*

CONSULTATION

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

OURWINNIPEG 2045 POLICY ALIGNMENT

OurWinnipeg Goal: City Building

Objective 1: Responsibly plan, prioritize and accommodate growth in areas that best support *Complete Communities* principles, to achieve this Plan's sustainable development goals.

- Facilitate growth and change strategically within Winnipeg's unique Transformative Areas and Established Neighbourhoods, to enhance the ability of the urban environment to contribute towards this Plan's goals.

Objective 2: Integrate resilient land use, transportation and infrastructure planning, and investments.

- Ensure that land use, transportation, and infrastructure planning are aligned to provide the conditions for compact, complete and connected communities, supported by sustainable transportation options and municipal infrastructure capacity.

Objective 3: Facilitate development opportunities that complete established communities, and plan new communities as complete and connected from the outset.

- New and existing communities are complete when they demonstrate: universally designed environments; mixed-income neighbourhoods; a continuum of housing types; multi-modal connections within and to elsewhere in the city; heritage conservation; opportunities for physical activity, social interaction, and access to health food, daily needs, employment, education, recreation, and green infrastructure.

Applicable Policies for Mature Communities

6.1 Sustainable Urban Growth

- The City must accommodate physical development that reflects this Plan's goals, and achieves a continuum of complete and connected communities over the lifecycle
  of the Plan.

6.6 Intensification Target

- Achieve the intensification target by making development in intensification target areas easier and more desirable and predictable, as directed by *Complete Communities*.

6.16 Established Neighbourhoods

- Designate Established Neighbourhoods within the Urban Structure, representing lands that will accommodate additional growth in a context-sensitive manner, while promoting the efficient use of land, cost-effective municipal servicing, enhanced housing choice and affordability, and conservation of green infrastructure and heritage resources and districts, as defined in *Complete Communities*.

WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

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

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:	Steve Nuttall, MCP
Date:	Friday, February 13, 2026
File No.	DAV 26-111187\

Exhibit “9” referred to in File DAV 111187A/2026C

Proposed Subdivision



Subject lands

5,882 sq.ft.

ZONING AND PERMIT BRANCH

THIS PLAN IS SUBMITTED FOR APPROVAL IN

CONNECTION WITH: DAV 26-111187/C

SHEET # 1 OF 2

DATE: March 27, 2026

Zoning/Lot Configuration [Current]



Subject lands

,882 sq.ft.

ZONING AND PERMIT BRANCH

THIS PLAN IS SUBMITTED FOR APPROVAL IN

CONNECTION WITH: DAV 26-111187/c

SHEET # 2 OF 2

DATE: March 27, 2026

Exhibit “2” referred to in File DAV 111187A/2026C

JOHN SCOTT WINTRUP
PLANNING & DEVELOPMENT

February 24, 2026

City Clerks, City of Winnipeg
c/o **Appeals Committee**
Susan A. Thompson Building Main Floor,
510 Main Street Winnipeg, Manitoba, R3B 1B9

Sent by E-mail to
CLKAppeals@winnipeg.ca

RE: 9 St David - DAV 26-111187/C

The Applicant [John Wintrup] is appealing the **Director of Planning** decision to reject the application **File DAV 26-111187/C.**

File DAV 26-111187/C, as submitted, does meet the statutory criteria set out in section 247(3) of The City of Winnipeg Charter, and more particularly:

(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;

(c) **IS the minimum modification** of the zoning by-law required to relieve any injurious effect of the zoning by-law on the applicant's property;

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

Variances are required to overcome the injurious effect of the zoning by-law on the use of the private property. Additional details on these matters will be provided at the Public Hearing.

Regards,

John Scott Wintrup, B.A. (Hons), M.Sc.Pl., MCIP, RPP, AICP, CNU-A, LEED® Green Associate™

Exhibit “1” referred to in File DAV 111187A/2026C

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 26-111187/C

APPLICANT:	John Wintrup John Scott Wintrup Planning and Development 139 ROSLYN RD UNIT 301 WINNIPEG MB R3L 0G7 CAN
PREMISES AFFECTED:	9 St David Road
LEGAL DESCRIPTION:	LOT 7 BLOCK 5 PLAN 2094 114/117 ST B hereinafter called "the land".
PROPERTY ZONED:	R1-M Mature Communities PDO-1
ZONING ATLAS SHEET:	AE27

NATURE OF APPLICATION:

To vary the “R1-M Mature Communities PDO-1” Development and Design Standards of Winnipeg Zoning By-Law No. 200/2006 for the establishment of two residential lots not abutting a paved public lane at the rear of the lot.

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: 9 St David Road

The Director of Planning, Property and Development Department hereby orders that the provisions of the "R1-M Mature Communities PDO-1" dimensional standards of Zoning By-Law

No. 200/2006 and amendments thereto for the establishment of two residential lots not abutting a paved public lane at the rear of the lot **is hereby REJECTED.**

DATE OF ORDER: February 24, 2026

CERTIFIED BY:



for the Director Planning, Property and Development Department

HOW TO APPEAL

You can appeal this order by filing a letter of appeal with the City Clerk. Note that, in filing the appeal, the entirety of the order is subject to review by the designated committee at the appeal hearing. The appeal letter must:

(a) be addressed as set out below,

(b) be received at that office not later than 4:30 p.m. on March 10, 2026.
[IF RECEIVED LATE YOUR APPEAL CANNOT BE HEARD.]

(c) refer to Variance Order No. DAV 26-111187/C, 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 designated 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 Appeals Committee
Susan A. Thompson Bldg.
510 Main Street
Winnipeg, MB, R3B 1B9

Fax 947-3452
Email: clk-appeals@winnipeg.ca