Minutes – Appeal Committee – May 20, 2026

PUBLIC HEARINGS

Item No. 1 **Appeal – Variance – 47 Arlington Street**
(Daniel McIntyre Ward)
File DAV 125677A/2026B

COMMITTEE DECISION:

The Appeal Committee allowed the appeal, did not concur in the decision of the Director of Planning, Property and Development, cancelled Variance Order DAV 125677/2026B and approved a Variance on "the land" for the construction of an addition to a single-family dwelling to permit as follows:

1. A north side yard of 1 foot (0.30 metres)

2. A south side yard of 1 foot (0.30 metres)

Subject to the following conditions:

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.

2. That the addition shall be built in substantial conformance with plans submitted and identified as Sheets 1 to 5of DAV 26-125677/B.

DECISION MAKING HISTORY:

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

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

Carried

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

Carried

Moved by Councillor Allard,
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:

1. I think to Councillor Orlikow's points, if you look at the other houses, I think the structure is consistent with the immediate area and probably even more so consistent, at least visually speaking, when the addition is constructed. I think it looks good where it's being proposed.

Carried

DECISION MAKING HISTORY (continued):

Moved by Councillor Allard,
That the appeal be allowed and the decision of the Director of Planning, Property and Development not be concurred in, and the Variance on "the land" for the construction of an addition to a single-family dwelling be approved to permit as follows:

1. A north side yard of 1 foot (0.30 metres)

2. A south side yard of 1 foot (0.30 metres)

Subject to the following conditions:

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.

2. That the addition shall be built in substantial conformance with plans submitted and identified as Sheets 1 to 5of DAV 26-125677/B.

Carried

Moved by Councillor Allard,
That Variance Order DAV 125677/2026B be cancelled.

Carried

Moved by Councillor Allard,
That the public hearing with respect to this appeal be concluded.

Carried

THE CITY OF WINNIPEG
VARIANCE APPEAL ORDER
APPEAL COMMITTEE

DAV 125677A/2026B

Before:	Appeal Committee Councillor Browaty, Chairperson Councillor Allard Councillor Chambers Councillor Orlikow
Hearing	May 20, 2026 May 6, 2026 Council Building, 510 Main Street
Applicant	Tristan Senak
Premises Affected	47 Arlington Street
Legal Description	LOT 22 BLOCK 4 PLAN 1221 66 ST JA, hereinafter called "the land"
Property Zoned	"R2 Mature Communities PDO-1" (Residential Two-Family Planned Development Overlay – 1 (District))
Nature of the Application	To vary the "R2 Mature Communities PDO-1" Development and Design Standards of the Winnipeg Zoning By-Law No. 200/2006 for the construction of an addition to a single family dwelling to permit: A. a north side yard of 1 foot (0.30 metres) instead of 4 feet (1.22 metres); B. a south side yard of 1 foot (0.30 metres) instead of 4 feet (1.22 metres).

ORDER MADE BY THE DIRECTOR OF PLANNING, PROPERTY AND DEVELOPMENT:

The Director of Planning, Property and Development rejected a Variance, File DAV 125677/2026B to Tristan Senak, for the premises located at 47 Arlington Street, for the construction of an addition to a single family dwelling to permit a north side yard of 1 foot (0.30 metres) and a south side yard of 1 foot (0.30 metres).

Pursuant to the provisions of The City of Winnipeg Charter, Tristan Senak, appealed the Variance Order DAV 125677/2026B, and after Notice, the appeal was heard on May 20, 2026.

Upon consideration of the evidence adduced and submissions made, the Appeal Committee is of the opinion that, subject to the conditions imposed, if any, this Appeal Order 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. I think to Councillor Orlikow's points, if you look at the other houses, I think the structure is consistent with the immediate area and probably even more so consistent, at least visually speaking, when the addition is constructed. I think it looks good where it's being proposed.

ORDER:

The Appeal Committee orders that the appeal is allowed, Variance Order DAV 125677/2026B dated March 23, 2026, is cancelled, and the provisions of the "R2 Mature Communities PDO-1" Dimensional Standards of the Winnipeg Zoning By-law No. 200/2006 are varied on "the land" for the following:

1. A north side yard of 1 foot (0.30 metres)

2. A south side yard of 1 foot (0.30 metres)

Subject to the following conditions(s) necessary to ensure conformity with the statutory criteria of The City of Winnipeg Charter:

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.

2. That the addition shall be built in substantial conformance with plans submitted and identified as Sheets 1 to 5of DAV 26-125677/B.

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

DATE OF ORDER: May 21, 2026

CERTIFIED BY:



Karly Dolski
Senior Committee Clerk

THE FOLLOWING PERSONS MADE REPRESENTATIONS:

In Support of the Appeal:

Tristan Senak
Angela Senak

In Opposition to the Appeal:

Nil

For Information on the Appeal:

Nil

For the City:

D. Kane, Planner, Planning, Property and Development Department

EXHIBITS FILED FOR DAV 125677A/2026B

1. Order DAV 125677/2026B dated March 23, 2026
2. Notice of Appeal filed by Tristan Senak, received April 1, 2026
3. Notification of Public Hearing dated April 17, 2026
4. Manitoba Status of Title 267900/1
5. Letter of authorization dated February 10, 2026, from Tristan and Angela Senak to Tristan Senak
6. Confirmation from the Zoning and Permits Administrator that the subject property may be posted in substitution for newspaper advertising
7. Petition in support of the Variance purporting to contain 2 signatures, submitted by the Appellant, Tristan Senak
8. Petition in support of the appeal purporting to contain 15 signatures, submitted by Appellant, Tristan Senak
9. Communication from Tristan Senak in support of the appeal
10. Communication dated March 20, 2026, from Tristan Senak in support of the appeal
11. Plans, Sheets 1 to 5 inclusive, for File DAV 125677A/2026B dated March 5, 2026
12. Report from the Urban Planning Division dated March 12, 2026
13. Inspection Report
14. Notice of Adjournment dated May 6, 2026
15. Petition in support of the appeal purporting to contain 17 signatures, submitted by Appellant, Tristan Senak
16. Communication from Tristan Senak in support of the appeal

Exhibit “12” referred to in File DAV 125677A/2026B

PLANNING ADMINISTRATIVE REPORT

Title: DAV 26-125677\B – 47 Arlington St

Issue: For consideration of Variances associated with the construction of a second storey addition.

Critical Path: Director of Planning, Property, and Development

AUTHORIZATION

Author	Department Head	CFO	CAO
Donna Kane	n/a	n/a	

DECISION AND CONDITIONS

The Urban Planning and Design Division **rejects** the application to vary the "R2 Mature Communities PDO-1" Development and Design Standards of Winnipeg Zoning By-Law No. 200/2006 for the construction of an addition to a single-family dwelling to permit:

~~a) a north side yard of 1 foot (0.30 metres) instead of 4 feet (1.22 metres);~~

~~b) a south side yard of 1 foot (0.30 metres) instead of 4 feet (1.22 metres).~~

REASON FOR THE REPORT

- The applicant is proposing to build a second storey addition and requires Variances for side yard setback 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 26-125677\B**
RELATED FILES: N/A

COMMUNITY:	City Centre Committee
NEIGHBOURHOOD #:	1.113 - (WOLSELEY)
SUBJECT:	To vary the "R2 Mature Communities PDO-1" Development and Design Standards of Winnipeg Zoning By-Law No. 200/2006 for the construction of an addition to a single family dwelling to permit: a) a north side yard of 1 foot (0.30 metres) instead of 4 feet (1.22 metres); b) a south side yard of 1 foot (0.30 metres) instead of 4 feet (1.22 metres).
LOCATION:	47 Arlington St
LEGAL DESCRIPTION:	LOT 22 BLOCK 4 PLAN 1221 66 ST JA
APPLICANT:	Tristan Senak 47 Arlington St Winnipeg, MB R3G 1Y2
OWNER:	Tristan Isaak 47 Arlington St Winnipeg, MB R3G 1Y2

HISTORY

N/A

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 east side Arlington St, south of Wolesley Avenue in the Wolseley neighbourhood of the Daniel Mcintyre ward.

- The subject site is 3,313 square feet (307.7 square metres) in area. The site is currently occupied by a one (1) storey 1,280 square foot building built in 1922 used as a private residence.
- The subject site is accessed by a paved back lane.

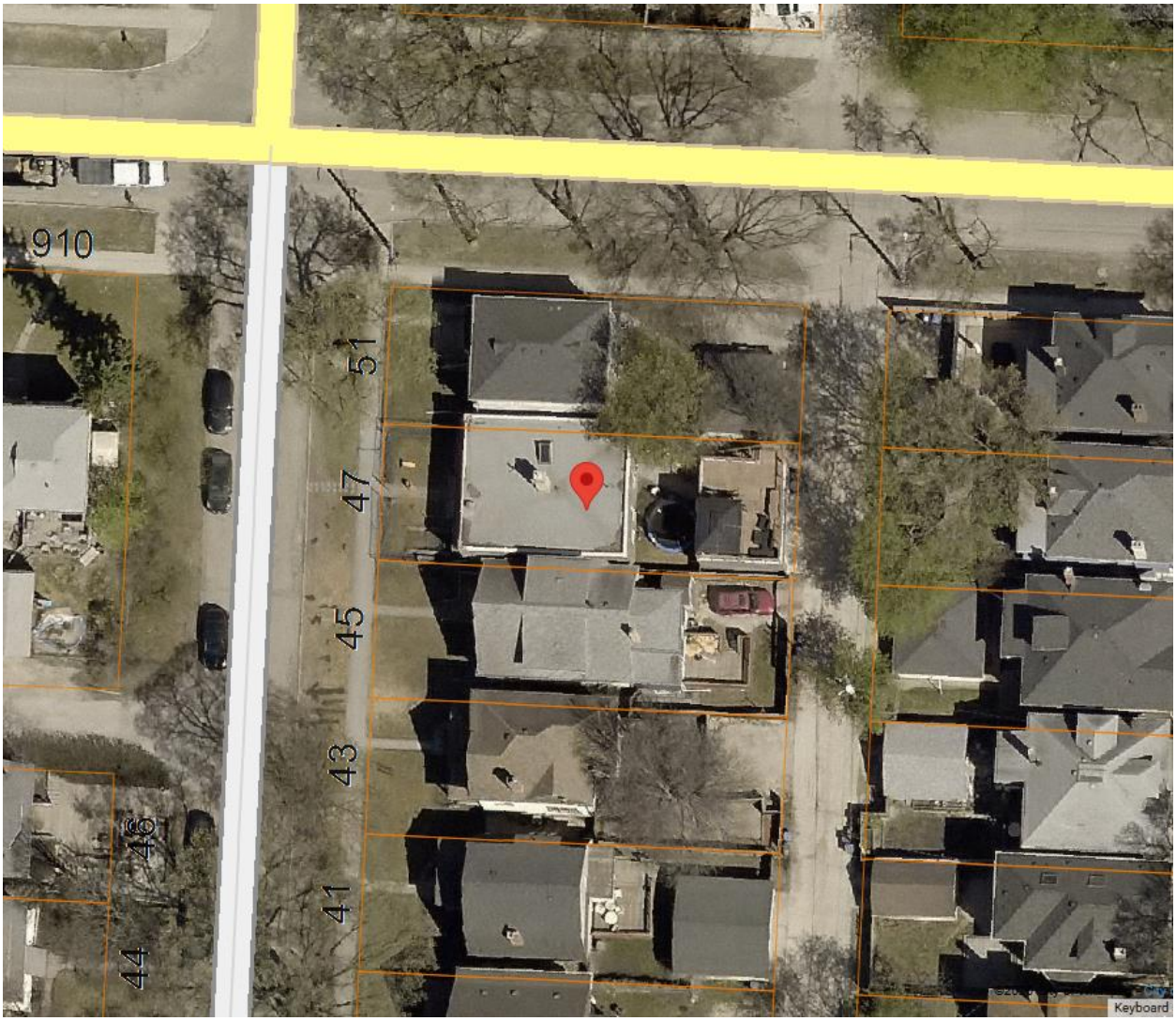


Figure 1: Aerial photo of subject site and surrounding area *(flown 2024)*

SURROUNDING LAND USE AND ZONING (See Figure 2)

North: Two-family residential uses zoned “R2” Two-family residential

South: Single-family residential uses zoned “R2” Two-family residential

East: Single-family residential uses zoned “R2” Two-family residential

West: Single-family residential uses zoned “R2” Two-family residential

Figure 2: Zoning of the site and surrounding area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant intends to build a second storey addition on top of the existing single storey building.
- The submitted site plan shows that the proposed second storey addition will be 32 feet (9.7 metres) wide and 40.5 feet (12.3 metres) deep.

Reason for the Variance

In the “R2” District, the required side yard setbacks are 4 feet.

The applicant intends to build a second storey addition with a 1 foot (0.30 metre) north side yard and a 1 foot (0.30 metre) south side yard. For these reasons, Variances are required.

ANALYSIS AND ISSUES

The proposed second storey addition with reduced north and south side yard setbacks is not compatible with the existing single-family dwellings on the block and given the spatial separation, will have a substantial adverse impact upon adjoining properties and the adjacent area.

Abutting properties to the north and south have reduced north and south side yard setbacks and the proposed second storey addition will further exacerbate the existing non-compliant conditions at the sites in question.

After discussions with the applicant regarding building code/fire code requirements due to the proximity of the addition to the adjacent dwellings to the north and south, the applicant was not willing to revise/amend their proposal to be closer to compliance. Planning does not support the proposal as the addition is an expansion of an existing non-conformity and the Zoning By-law indicates that non-conformities can be maintained but not encouraged to continue to survive or to create further non-conformities at the site.

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 consistent with *Plan Winnipeg* and any applicable secondary plan;

In that, the proposed second storey addition is not compatible with neighbourhood character and is not complementary to existing development.

(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 proposed setbacks are not compliant and would pose an adverse effect on the adjacent 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 Variances cannot be considered minor modifications of the Zoning By-law due to existing non-compliant side yard setbacks.

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

In that, similar side yard setbacks have been rejected throughout the City.

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.

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 PRS is not applicable to this specific report.

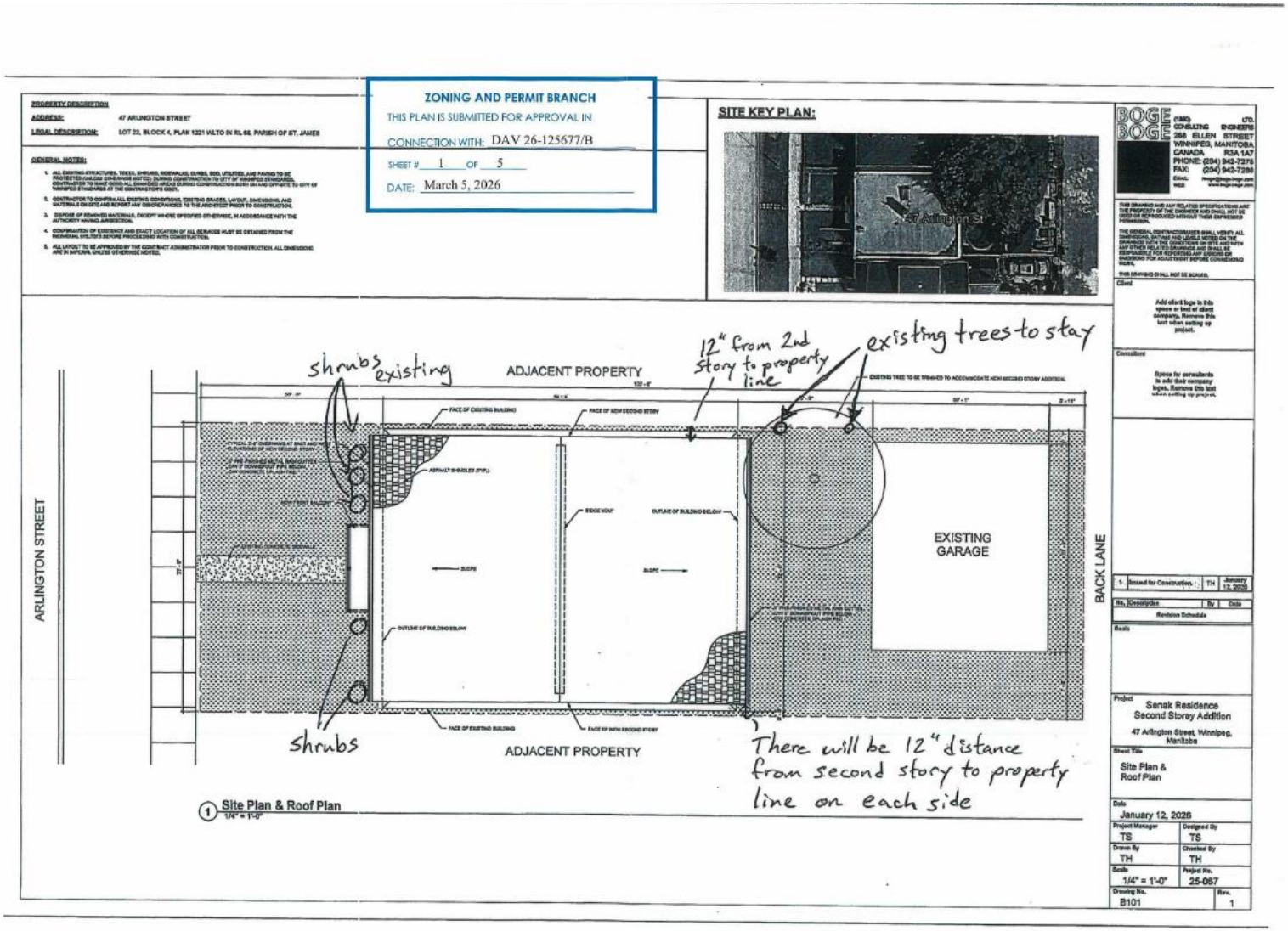
WINNIPEG POVERTY REDUCTION STRATEGY ALIGNMENT

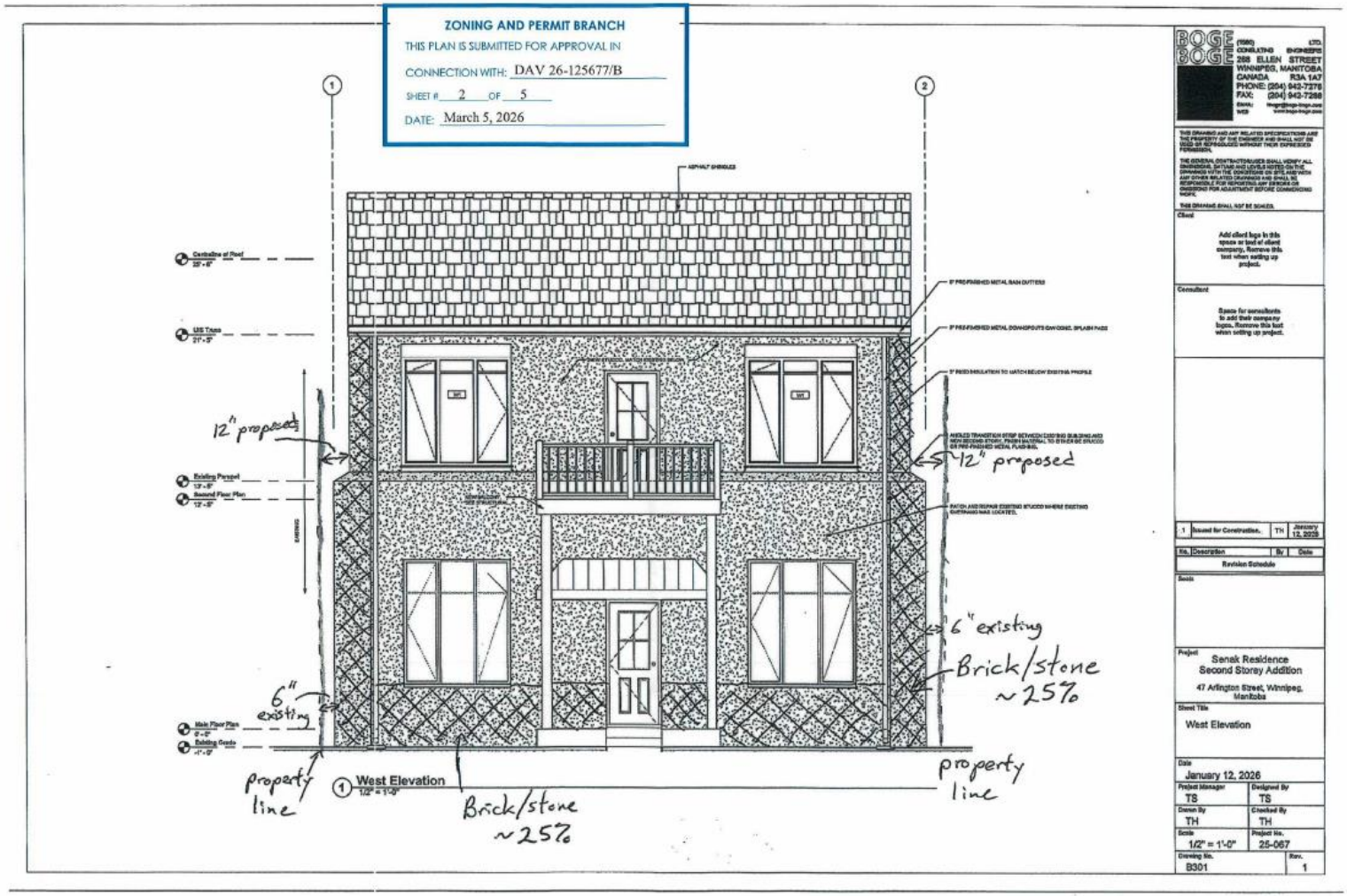
Consideration was given to whether this report connects to any of the specific Goals and Objectives in the *PRS* and it was determined the *PRS* is not applicable to this specific report.

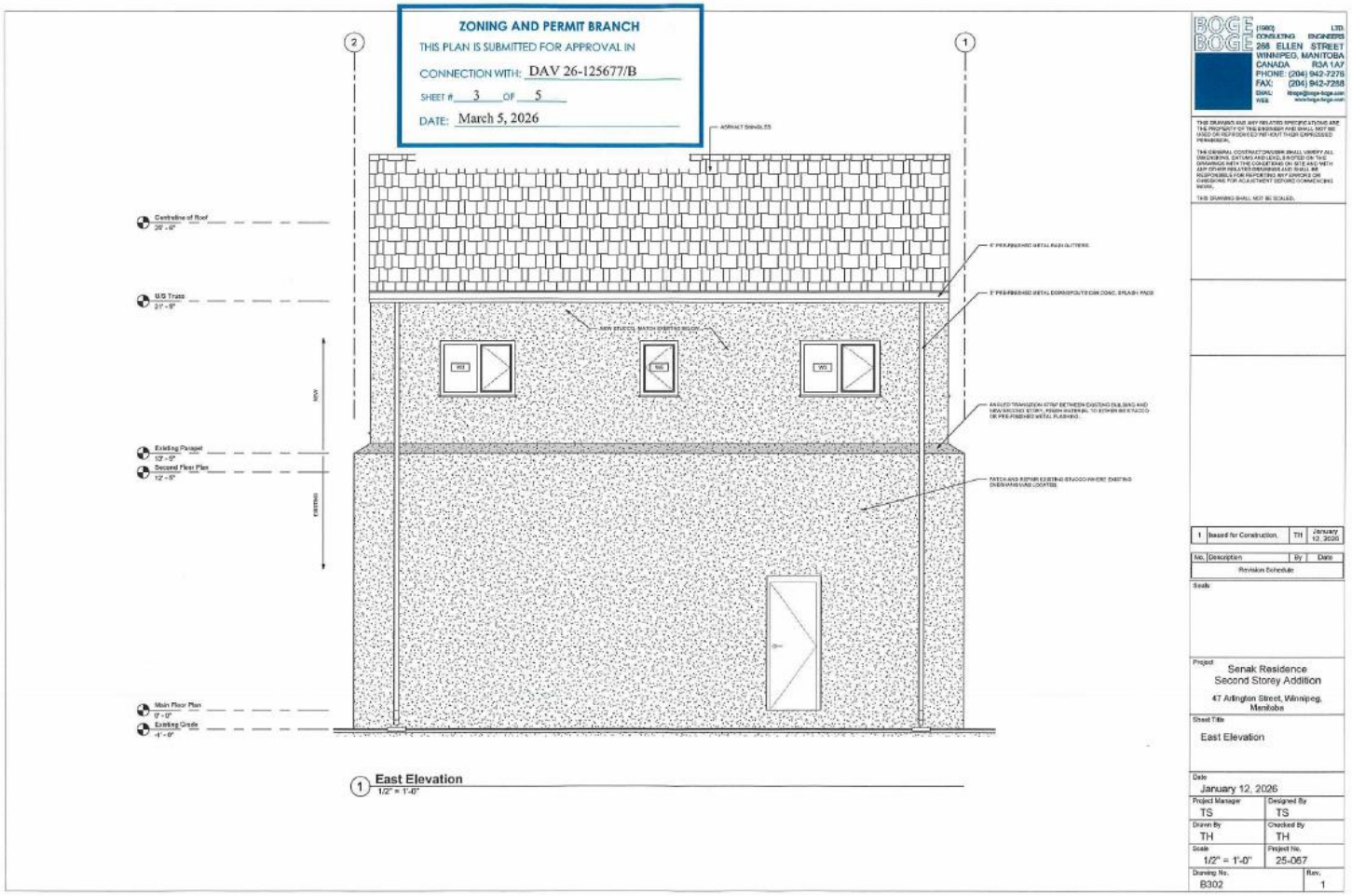
SUBMITTED BY

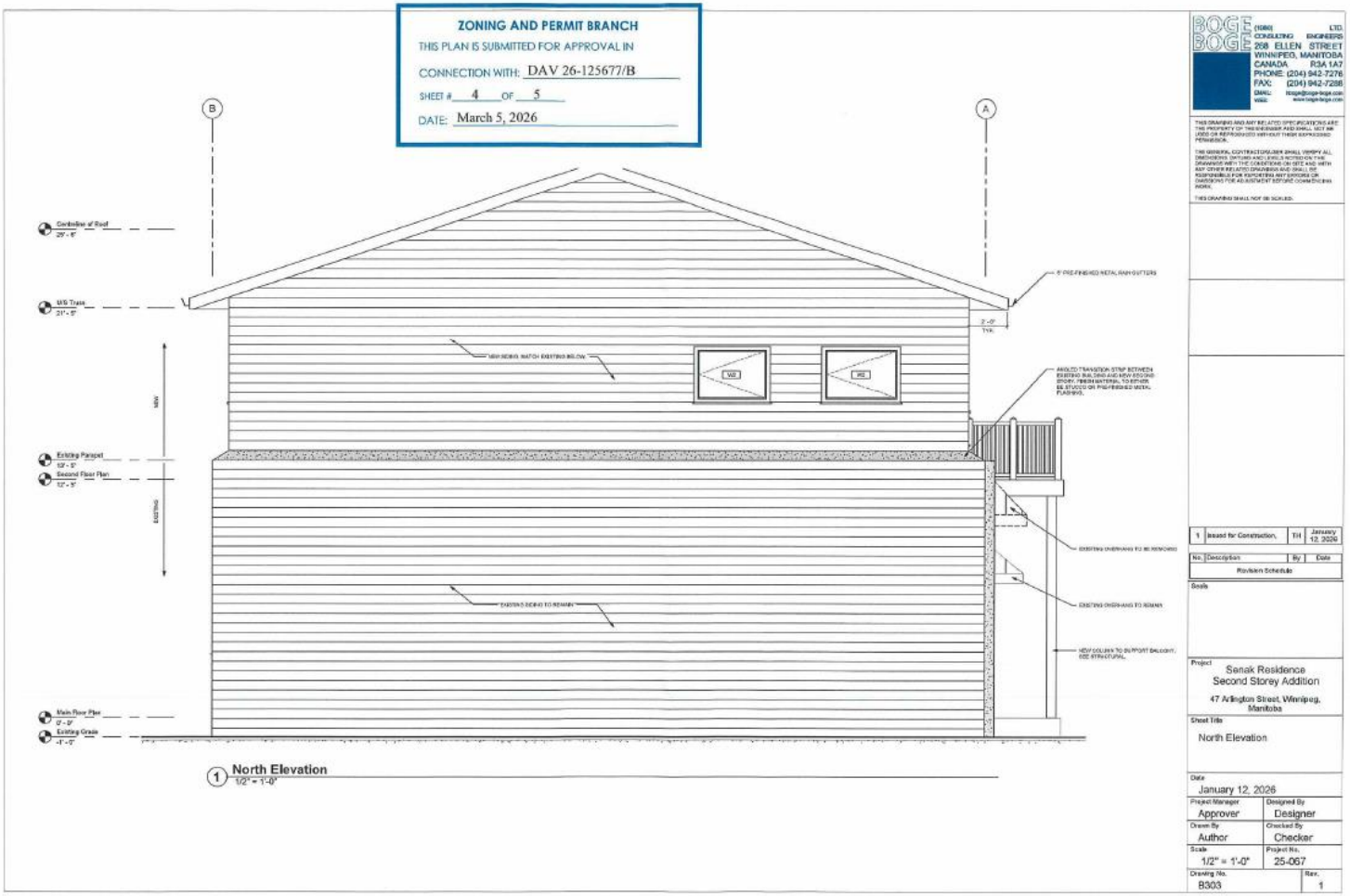
Department:	Planning, Property and Development
Division:	Urban Planning and Design
Prepared by:	Donna Kane
Date:	Thursday, March 12, 2026
File No.	DAV 26-125677\B

Exhibit “11” referred to in File DAV 125677A/2026B




ZONING AND PERMIT BRANCH
THIS PLAN IS SUBMITTED FOR APPROVAL IN
CONNECTION WITH: DAV 26-125677/B
SHEET # 2 OF 5
DATE: March 5, 2026
12" proposed
12" proposed
6" existing
Brick/stone ~25%
6" existing
property line
property line
Brick/stone ~25%
1 West Elevation
1/2" = 1'-0"
BOGE BOGE
CONSULTING ENGINEERS LTD.
288 ELLEN STREET
WINNIPEG, MANITOBA
CANADA R3A 1A7
PHONE: (204) 942-7378
FAX: (204) 942-7288
Senak Residence
Second Storey Addition
47 Arlington Street, Winnipeg, Manitoba
West Elevation
January 12, 2026
TS
TS
TH
TH
1/2" = 1'-0"
25-067
B301
1


ZONING AND PERMIT BRANCH
THIS PLAN IS SUBMITTED FOR APPROVAL IN
CONNECTION WITH: DAV 26-125677/B
SHEET # 3 OF 5
DATE: March 5, 2026
Centreline of Roof
U/S Truss
Existing Parapet
Second Floor Plan
Main Floor Plan
Existing Grade
East Elevation
1/2" = 1'-0"
BOGE BOGE
CONSULTING ENGINEERS
255 ELLEN STREET
WINNIPEG, MANITOBA
CANADA R3A 1A7
PHONE: (204) 942-7276
FAX: (204) 942-7258
Senak Residence
Second Storey Addition
47 Arlington Street, Winnipeg, Manitoba
East Elevation
January 12, 2026
TS
TH
1/2" = 1'-0"
25-067
B302
1


ZONING AND PERMIT BRANCH
THIS PLAN IS SUBMITTED FOR APPROVAL IN
CONNECTION WITH: DAV 26-125677/B
SHEET # 4 OF 5
DATE: March 5, 2026
B
A
Centreline of Roof
29' - 6"
M/S Truss
21' - 0"
Existing Parapet
12' - 3"
Second Floor Plan
12' - 3"
Main Floor Plan
0' - 0"
Existing Grade
-1' - 0"
NEW
EXISTING
5" PREFINISHED METAL RAIN GUTTERS
2' - 0"
TYP.
NEW SIDING, MATCH EXISTING BELOW
W2
W2
EXISTING SIDING TO REMAIN
EXISTING OVERHANG TO BE REMOVED
EXISTING OVERHANG TO REMAIN
NEW COLUMN TO SUPPORT BALCONY, SEE STRUCTURAL
1 North Elevation
1/2" = 1'-0"
BOGE BOGE (1980) LTD.
CONSULTING ENGINEERS
268 ELLEN STREET
WINNIPEG, MANITOBA
CANADA R3A 1A7
PHONE: (204) 942-7276
FAX: (204) 942-7288
EMAIL: boge@boge-boge.com
WEB: www.boge-boge.com
THIS DRAWING AND ANY RELATED SPECIFICATIONS ARE THE PROPERTY OF THE DESIGNER AND SHALL NOT BE USED OR REPRODUCED WITHOUT THEIR EXPRESSED PERMISSION.
THE GENERAL CONTRACTOR/USER SHALL VERIFY ALL DIMENSIONS, DATUMS AND LEVELS NOTED ON THIS DRAWING WITH THE CONDITIONS ON SITE AND WITH ANY OTHER RELATED DRAWINGS AND SHALL BE RESPONSIBLE FOR REPORTING ANY ERRORS OR OMISSIONS FOR ADJUSTMENT BEFORE COMMENCING WORK.
THIS DRAWING SHALL NOT BE SCALED.
1 Issued for Construction, TH January 12, 2026
No. Description By Date
Revision Schedule
Seals
Project
Senak Residence
Second Storey Addition
47 Arlington Street, Winnipeg, Manitoba
Sheet Title
North Elevation
Date
January 12, 2026
Project Manager
Approver
Designed By
Designer
Drawn By
Author
Checked By
Checker
Scale
1/2" = 1'-0"
Project No.
25-067
Drawing No.
B303
Rev.
1

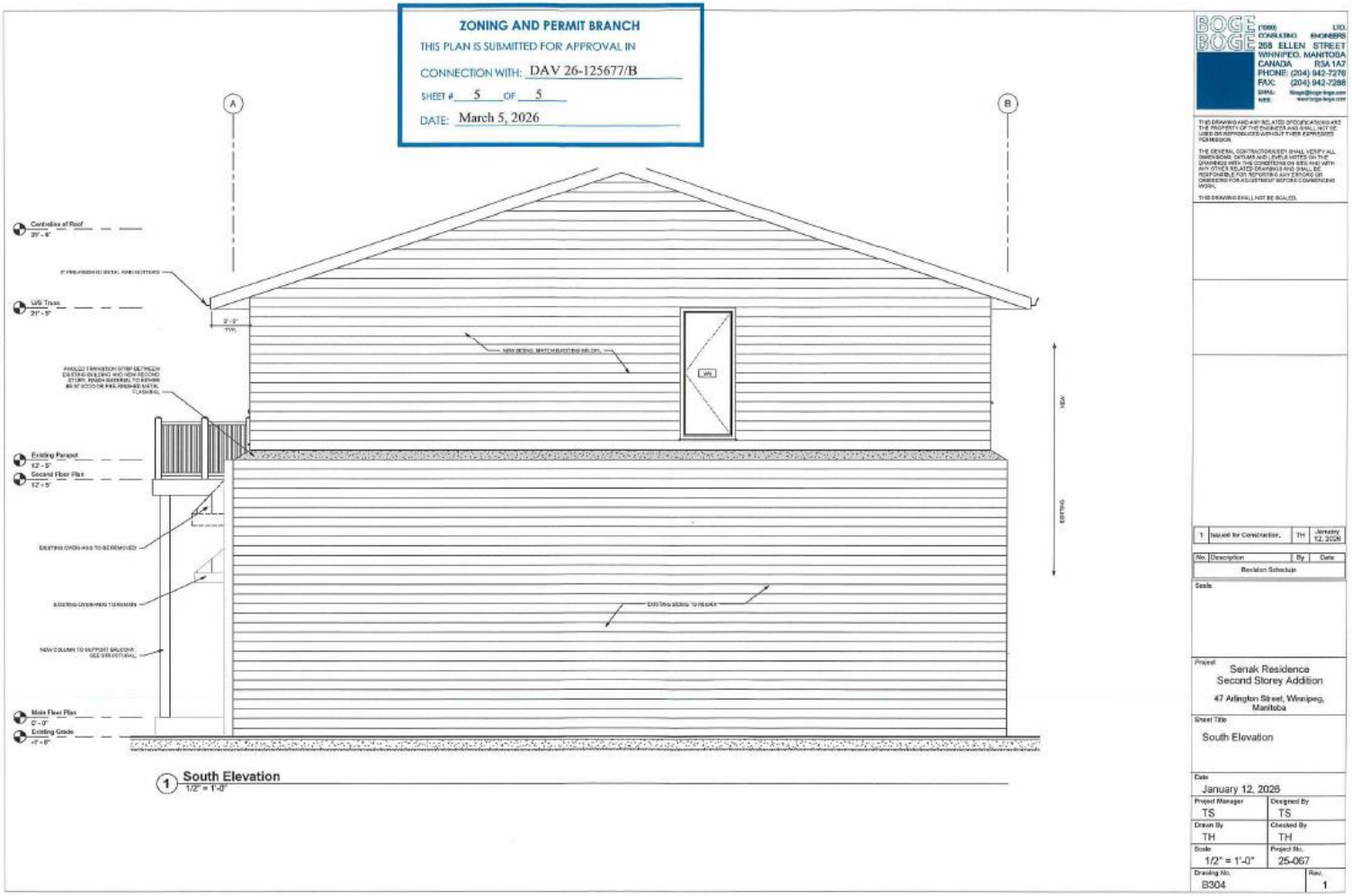

ZONING AND PERMIT BRANCH
THIS PLAN IS SUBMITTED FOR APPROVAL IN
CONNECTION WITH: DAV 26-125677/B
SHEET # 5 OF 5
DATE: March 5, 2026
A
B
Centreline of Roof
U/S Truss
Existing Parapet
Second Floor Plate
Main Floor Plan
Existing Grade
1 South Elevation
1/2" = 1'-0"
BOGE BOGE (1990) CONSULTING ENGINEERS LTD.
269 ELLEN STREET
WINNIPEG, MANITOBA
CANADA R3A 1A7
PHONE: (204) 942-7276
FAX: (204) 942-7288
1 Issued for Construction TH January 12, 2026
No. Description By Date
Revision Schedule
Seals
Project
Senak Residence
Second Storey Addition
47 Arlington Street, Winnipeg, Manitoba
Sheet Title
South Elevation
Date
January 12, 2026
Project Manager TS
Designed By TS
Drawn By TH
Checked By TH
Scale 1/2" = 1'-0"
Project No. 25-067
Drawing No. B304
Rev. 1

Exhibit “2” referred to in File DAV 125677A/2026B

March 31, 2026

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

Re: Variance Order No. DAV 26-125677/B for 47 Arlington Street

Dear Appeal Committee:

In regard to Variance Order DAV26-125677/B for 47 Arlington Street, I seek to appeal the decision to reject the variance application. The variance is related to a side yard variance from 4 feet on the north and south sides of the house to 1 foot. Because the existing building has a 6-inch variance on both the north and south side yards the proposed second floor variance does not increase the existing non-conformity, or injurious effect. I would also argue that the proposed development is the minimum reasonable modification due to the extensive structural modifications that would be required to the existing building in order to comply with the current by-law regulating side yards of 4 feet.

I have full support from every neighbour I have had a chance to talk to and have thoroughly addressed all concerns brought to be by the Planning, Property and Development Department.

I have attached a letter of support from my neighbours, including all the houses directly surrounding our property at 47 Arlington and everyone who I could get a hold of over the weekend. I have also included a PowerPoint presentation helping demonstrate the proposed development as well as a longer response that was previously submitted to the Planning, Property and Development Department in response to there interpretation of how the variance contravenes the current by-laws.

Sincerely



Tristan Senak

Exhibit “1” referred to in File DAV 125677A/2026B

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 26-125677/B

APPLICANT: Tristan Senak
47 ARLINGTON ST
WINNIPEG MB R3G 1Y2
CANADA

PREMISES AFFECTED: 47 Arlington Street

LEGAL DESCRIPTION: LOT 22 BLOCK 4 PLAN 1221 66 ST JA
hereinafter called "the land".

PROPERTY ZONED: R2 Mature Communities PDO-1

ZONING ATLAS SHEET: AB23

NATURE OF APPLICATION:

To vary the "R2 Mature Communities PDO-1" Development and Design Standards of Winnipeg Zoning By-Law No. 200/2006 for the construction of an addition to a single family dwelling to permit:

a) a north side yard of 1 foot (0.30 metres) instead of 4 feet (1.22 metres);
b) a south side yard of 1 foot (0.30 metres) instead of 4 feet (1.22 metres).

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: 47 Arlington Street

The Director of Planning, Property and Development Department hereby orders that the provisions of the "R2 Mature Communities PDO-1" dimensional standards of Zoning By-Law No. 200/2006 and amendments thereto for the construction of an addition to a single family

dwelling to permit a north side yard of 1 foot (0.30 metres) and a south side yard of 1 foot (0.30 metres), **is hereby REJECTED.**

DATE OF ORDER: March 23, 2026

CERTIFIED BY:



for 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 April 6, 2026
[IF RECEIVED LATE YOUR APPEAL CANNOT BE HEARD.]

(c) refer to Variance Order No. DAV 26-125677/B, give brief reasons and describe whether you appeal the whole order or only part(s) of it.

You can attend the appeal hearing and speak on issues raised in someone else's appeal; but the 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