Agenda – Appeal Committee – September 2, 2026

PUBLIC HEARINGS

Item No. 3 Appeal – Variance – 827 Barry Avenue (Transcona Ward) File DAV 154732A/2026C

An appeal was received against the decision of the Director of Planning, Property and Development to reject a Variance on "the land" as follows:

1. The establishment of two (2) residential zoning lots having lot areas of 2,499 square feet (232.2 square metres) instead of 3,500 square feet (325.2 square metres);

2. The construction of two (2) single-family dwellings having front yards of 20 feet (6.10 metres) on lots 41 & 42 instead of 24 feet (7.32 metres).

Agenda – Appeal Committee – September 2, 2026

File:	DAV 154732A/2026C
Appellant(s):	Paulo Castillo
Applicant:	Paulo Austria Castillo Architect (Paulo Castillo)
Premises Affected:	827 Barry Avenue
Legal Description:	LOT 41/42 BLOCK 4 PLAN 2076 WLTO IN SE 6-11-14 EPM, hereinafter called "the land"
Property Zoned:	"R1-M" (Residential Single-Family-Medium)
Nature of the Application:	To vary the "R1-M" Development and Design Standards of the Winnipeg Zoning By-Law No. 200/2006 as follows: 1. for the establishment of two (2) residential zoning lots to permit lot areas of 2,499 square feet (232.2 square metres) instead of 3,500 square feet (325.2 square metres); 2. for the construction of two (2) single-family dwelling to permit front yards of 20 feet (6.10 metres) on lots 41 & 42 instead of 24 feet (7.32 metres).
Exhibits Filed:	1. Order DAV 154732/2026C dated July 6, 2026 2. Notice of Appeal filed by Paulo Castillo, received June 26, 2026 3. Notification of Public Hearing dated August 14, 2026 4. Manitoba Status of Titles 3397129/1 and 3397128/1 5. Confirmation from the Zoning and Permits Administrator that the subject property may be posted in substitution for newspaper advertising 6. Plans, Sheets 1 to 4 inclusive, for File DAV 154732A/2026C dated June 9, 2026 7. Report from the Urban Planning Division dated June 15, 2026 8. 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(s) 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 154732/2026C be confirmed / cancelled

Moved by Councillor

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

Exhibit “7” referred to in File DAV 154732A/2026C

ADMINISTRATIVE REPORT

Title: DAV 26-154732\C – 827 Barry Ave

Issue: For consideration of Variances associated with the establishment of two residential zoning lots of 2,499 square feet instead of 3,500 square feet and the construction of two single-family dwellings with front yards of 20 feet instead of 24 feet.

Critical Path: Director of Planning, Property, and Development

AUTHORIZATION

Author	Department Head	CFO	CAO
Sawyer Klassen, MCP	n/a	n/a	

DECISION AND CONDITIONS

The Urban Planning and Design Division **rejects** the application to vary the "R1-M" development and design standards of Winnipeg Zoning By-Law No. 200/2006 as follows:

~~1) for the establishment of two (2) residential zoning lots to permit lot areas of 2,499 square feet (232.2 square metres) instead of 3,500 square feet (325.2 square metres);~~

~~2) for the construction of two (2) single-family dwelling to permit front yards of 20 feet (6.10 metres) on lots 41 & 42 instead of 24 feet (7.32 metres).~~

REASON FOR THE REPORT

- The applicant is proposing to subdivide a property and build two single-family dwellings and requires Variances for lot area and front 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 26-154732\C**
RELATED FILES:	
COMMUNITY:	East Kildonan - Transcona Committee
NEIGHBOURHOOD #:	4.416 - (MISSION GARDENS)
SUBJECT:	To vary the "R1-M" development and design standards of Winnipeg Zoning By-Law No. 200/2006 as follows: 1) for the establishment of two (2) residential zoning lots to permit lot areas of 2,499 square feet (232.2 square metres) instead of 3,500 square feet (325.2 square metres); 2) for the construction of two (2) single-family dwelling to permit front yards of 20 feet (6.10 metres) on lots 41 & 42 instead of 24 feet (7.32 metres).
LOCATION:	827 Barry Ave
LEGAL DESCRIPTION:	LOT 41/42 BLOCK 4 PLAN 2076 SE 6 11 4E
APPLICANT:	Paulo Austria Castillo Architect 67 Forest Park Dr Winnipeg, MB
OWNER:	ATLAS STONE CAPITAL LTD. 97 Brigantine Bay Winnipeg, MB R3P 1R3

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 Barry Ave, in the Mission Gardens neighbourhood of the Transcona ward.

- The subject site is 4,998 square feet (463.4 square metres) in area. The site is currently occupied by an 833 square feet single-family dwelling built in 1970.
- The subject site is accessed by a paved back lane.
- Under the *Complete Communities Direction Strategy 2.0*, the site is within the Recent Communities policy area. The property is zoned “R1-M” Residential Single-Family Medium District.



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

SURROUNDING LAND USE AND ZONING (See Figure 2)

North: A paved rear lane, then single-family uses zoned “R1-M” Residential Single-Family Medium.

South: Barry Avenue, then single-family uses zoned “R1-M” Residential Single-Family Medium.

East: Single-family uses zoned “R1-M” Residential Single-Family Medium.

West: Single-family uses zoned “R1-M” Residential Single-Family Medium.



Figure 2: Zoning of the site and surrounding area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant intends to subdivide the property into two equal lots that are 25 feet wide and 2,499 square feet in area. A single-family house would be constructed on each of the lots.
- The existing single-family dwelling on site will be demolished.
- The submitted site plan shows that the proposed single-family dwellings would be two storeys tall.

ANALYSIS AND ISSUES

COMPLETE COMMUNITIES DIRECTION STRATEGY 2.0

CCDS 2.0 is one of four direction strategies supporting OurWinnipeg, the city's long-range development plan, and has statutory authority as a secondary plan. The strategy guides land use and development in Winnipeg.

The subject property is located in an Established Neighbourhood designated as a "Recent Community" as outlined in *CCDS 2.0.*

- 1.0 Encourage compatible residential development within Established Neighbourhoods to build more Complete Communities and align with the City's residential intensification target.
    - 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.

    - 1.3 The subdivision of land or the consolidation of land may occur when it is done in a context-sensitive manner, and only when in compliance with policy section 9.1 of the Strategic Infrastructure and Resources section.
- 3.0 Ensure all communities provide a diversity of housing options and meet resident life-cycle housing needs.
    - 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.

ANALYSIS OF THE VARIANCES

1) for the establishment of two (2) residential zoning lots to permit lot areas of 2,499 square feet (232.2 square metres) instead of 3,500 square feet (325.2 square metres);

The proposed Variance for lot area is a deviation of 29% from the Winnipeg Zoning By-law and is not consistent with Complete Communities 2.0 policy regarding only allowing subdivisions when done in a context sensitive manner.

All lots on the subject block are at least 50 feet wide, with one lot being 75 feet wide. Given there are no examples of 25 feet wide lots on this block, splitting the subject site would be inconsistent with the neighbourhood context and incompatible with existing properties, which goes against the previously stated goals of *Complete Communities 2.0*.

There are several options for infill development on the subject site. Specifically, new zoning regulations passed by Council las summer (Schedule AC) would permit a duplex, triplex, or fourplex on the site. These options provide permitted alternatives for residential intensification without splitting the property and changing the character of lot widths and sizes on the block.

For these reasons, the Variance is rejected.

2) for the construction of two (2) single-family dwelling to permit front yards of 20 feet (6.10 metres) on lots 41 & 42 instead of 24 feet (7.32 metres).

As the first Variance for the lot split has been rejected, this Variance is also being 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 it is not consistent with Complete Communities 2.0.

(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 it is not consistent with the built form of the surrounding area.

(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 zoning by-law does not restrict other possibilities for infill development on the site.

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

In that it is out of character and not compatible with the surrounding neighbourhood.

OURWINNIPEG 2045 POLICY ALIGNMENT

Goal: City Building

- 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 *WCAPA* and it was determined the WCAPA is not applicable to this specific report.

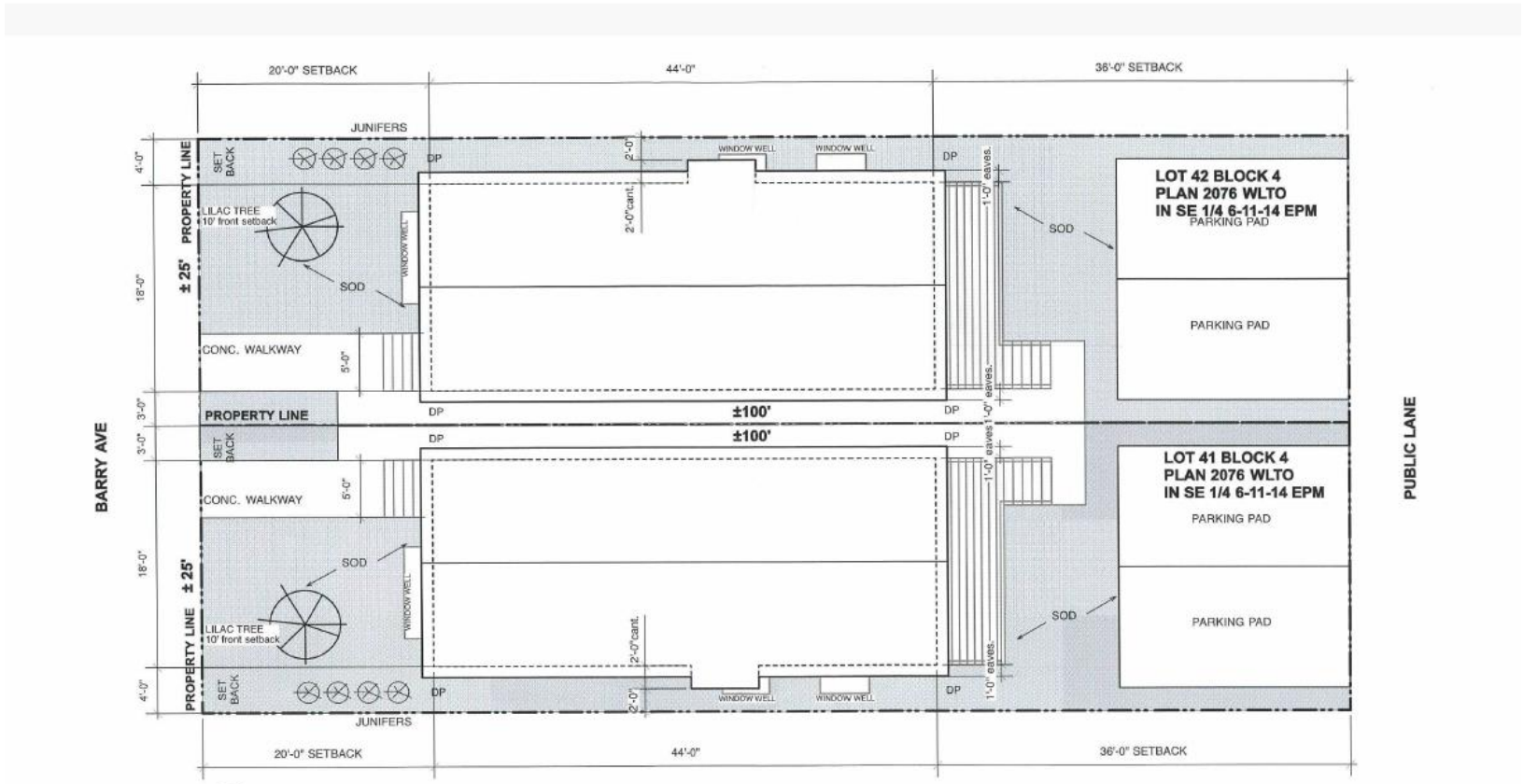
WINNIPEG POVERTY REDUCTION STRATEGY ALIGNMENT

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:	Sawyer Klassen, MCP
Date:	Monday, June 15, 2026
File No.	DAV 26-154732\C

Exhibit “6” referred to in File DAV 154732A/2026C



1 a1 site plan 1/8"=1'-0"

ZONING AND PERMIT BRANCH
THIS PLAN IS SUBMITTED FOR APPROVAL IN CONNECTION WITH: DAV 154732/2025C
SHEET # 1 OF 4
APPLICANT(SIGN):
ZONING OFFICER: Diana Lopez
DATE: June 9, 2026

ZONING NOTES:

SETBACK: Front Yard 24' (+-5') Rear Yard 36' Side Yard 4' and 3'

LOT AREA: 2,499 SQ FT

MAX LOT COVERAGE: MAX LOT COVERAGE 30% [2499 SQ FT X 30% = 749 SQ FT. **PROPOSED 749 SQ FT.**

OFT SCAPING: 754 SQ FT

FLOOR AREA CALCULATIONS:
BASEMENT 749 SQ FT
MAIN FLOOR 749 SQ FT
SECOND FLOOR 792 SQ FT
TOTAL FLOOR AREA: 2290 SQ FT

MAX ALLOWABLE SECONDARY SUITE:
2290 SQ FT X 33% = 755.7 SQ FT

PROPOSED SECONDARY SUITE:
749 SQ FT. [NOT INCLUDING STAIR]

TREE AND SHRUB SCHEDULE:

TREE TYPE
LILAC (DECIDUOUS) (1 QUANTITY)
2" CALIPER

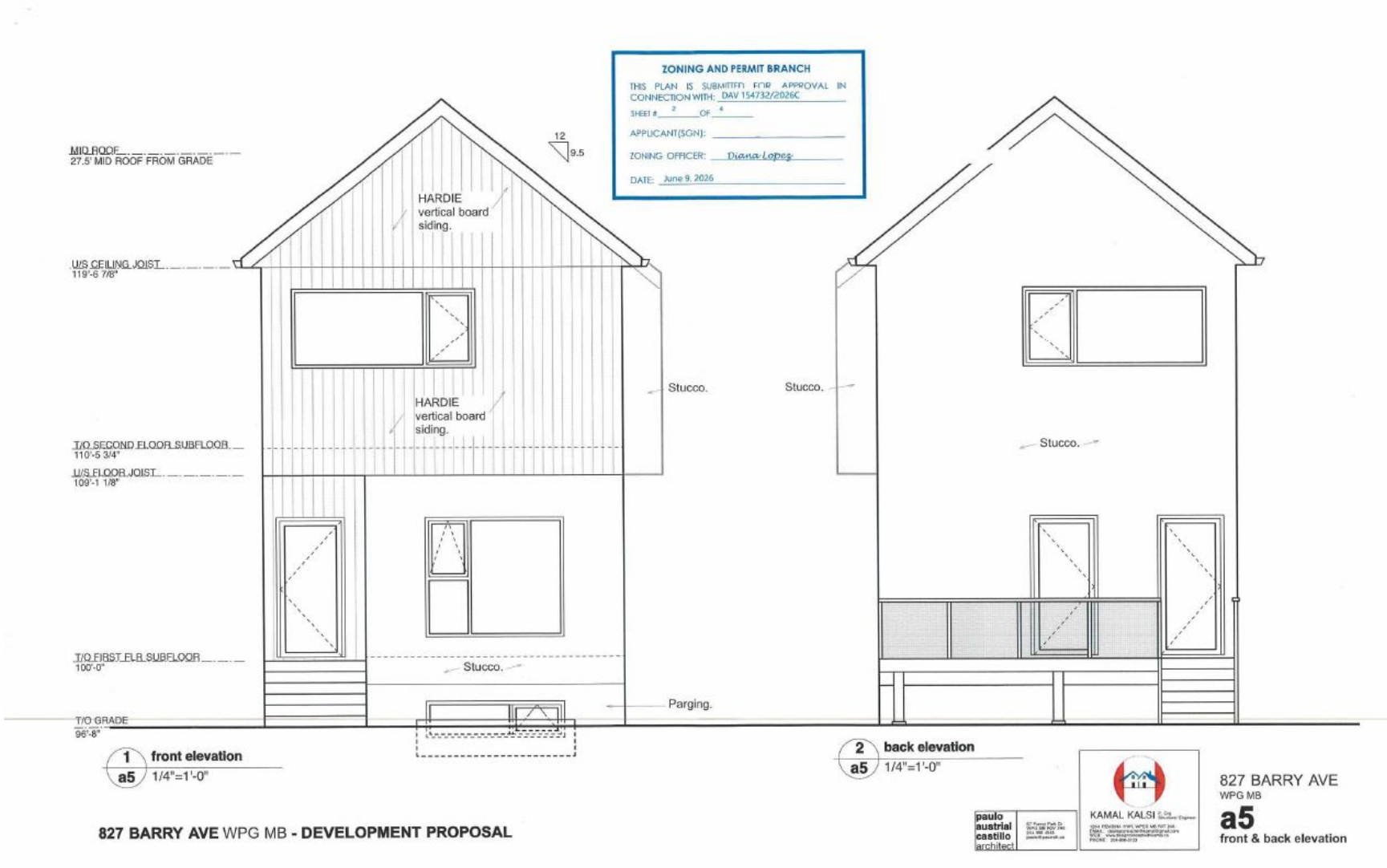
SHRUB TYPE
JUNIFERS (4 QUANTITY)
MIN 2 GALLON CONTAINER.

paulo austrial castillo architect

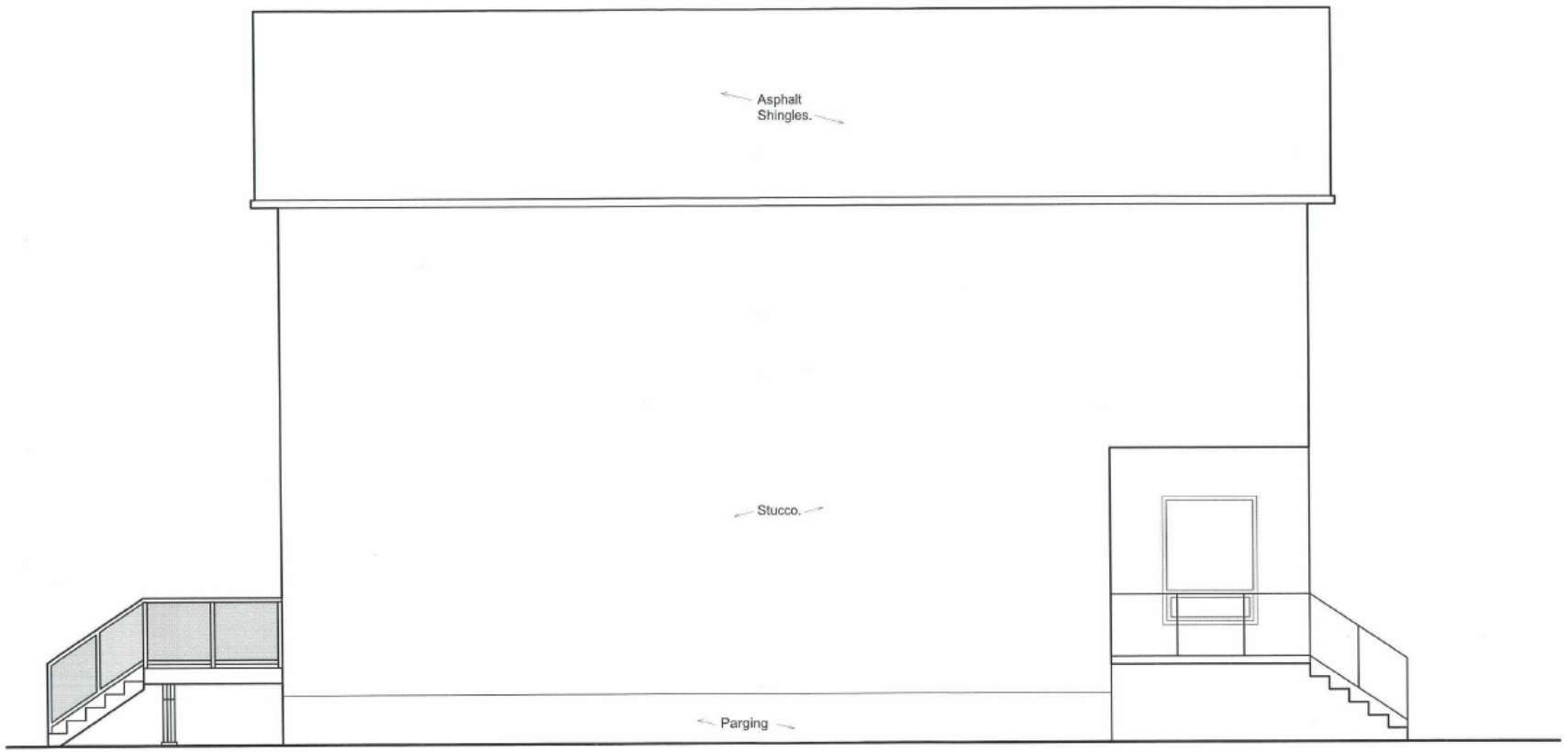
KAMAL KALSI

827 BARRY AVE
WPG MB
a1
site plan

827 BARRY AVE WPG MB **- DEVELOPMENT PROPOSAL**



827 BARRY AVE WPG MB **- DEVELOPMENT PROPOSAL**



1 / a7 **side elevation**
1/4"=1'-0"

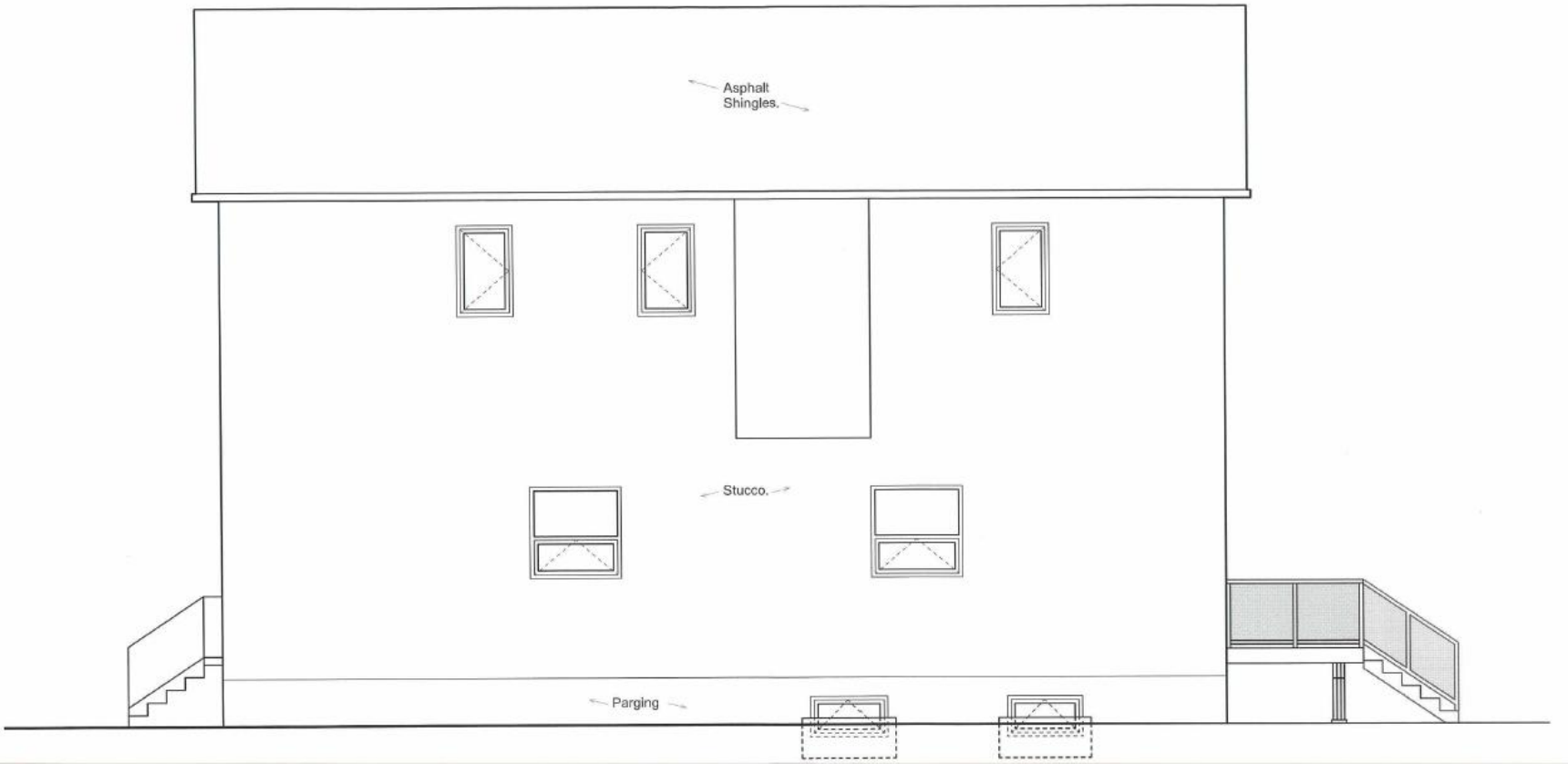
ZONING AND PERMIT BRANCH
THIS PLAN IS SUBMITTED FOR APPROVAL IN CONNECTION WITH: DAV 154732/2026C
SHEET # 3 OF 4
APPLICANT(SGN):
ZONING OFFICER: Diana Lopez
DATE: June 9, 2026

827 BARRY AVE WPG MB **- DEVELOPMENT PROPOSAL**

paulo austrial castillo architect

KAMAL KALSI

827 BARRY AVE
WPG MB
a7
side elevation [3' side yard]



1 / a6 **side elevation**
1/4"=1'-0"

827 BARRY AVE WPG MB - **DEVELOPMENT PROPOSAL**

ZONING AND PERMIT BRANCH
THIS PLAN IS SUBMITTED FOR APPROVAL IN CONNECTION WITH: DAV 154732/2026C
SHEET # 4 OF 4
APPLICANT(SIGN):
ZONING OFFICER: Diana Lopez
DATE: June 9, 2026

paulo austrial castillo architect

KAMAL KALSI P. Eng. Structural Engineer

827 BARRY AVE
WPG MB

a6

side elevation [4' side yard]

Exhibit “2” referred to in File DAV 154732A/2026C

PAULO AUSTRIA CASTILLO ARCHITECT

5 May 2026

LETTER OF INTENT – VARIANCE APPLICATION

City of Winnipeg – Planning, Property and Development Department
Winnipeg, Manitoba

Re: Variance Application – Minimum Lot Area (Zoning By-law No. 200/2006)
Property Address: 827 Barry Avenue
Legal Description: Lot 41/42 Block 4 Plan 2076

Dear Zoning & Permits Branch / Planning, Property & Development Department,

The purpose of this application is to request a variance from the minimum lot area requirements of the R1-M (Residential Single-Family – Medium) zoning district to permit subdivision of the existing parcel to conform to the existing underlying lot lines and the development of one single-family dwelling on each resulting lot.

1. Description of the Requested Variance

The applicant is requesting a variance to:

- Permit subdivision of the existing **5,000 sq ft (50 ft x 100 ft)** parcel into two lots;
- Permit each resulting lot to have an area of approximately **2,499 sq ft**, below the minimum required **3,500 sq ft**;
- Permit the construction of **one single-family dwelling with a secondary suite on each resulting lot.**

The existing dwelling is proposed to be demolished. Each lot will be serviced via the existing public rear lane.

2. Planning Context and Rationale

The proposal aligns with the City of Winnipeg's infill housing policies, which support **gentle intensification within established, serviced neighbourhoods**.

The variance enables:

- Efficient use of existing municipal infrastructure;
- Incremental residential infill within a mature neighbourhood;
- Increased housing supply without altering neighbourhood scale;
- Retention of low-rise residential character.

The incorporation of **Schedule "Y" design intent** further ensures that the built form is carefully moderated to fit within the existing neighbourhood fabric.

3. Site Design Considerations

Each resulting lot (2,499 sq ft) is designed to function as a complete residential parcel with:

- One single-family dwelling with a Secondary Suite per lot;
- Rear lane access for parking and servicing;
- Private outdoor amenity space;
- Permeable landscaping and functional drainage;
- Building massing that reflects Schedule "Y" design expectations to ensure a better fit to existing neighbourhood.

4. Development Summary

- **Total Site Area:** 4,998 sq ft
- **Existing Zoning:** R1-M (Residential Single-Family – Medium)
- **Proposed Lots:** 2
- **Proposed Lot Area:** 2,499 sq ft each
- **Variance Required:** Minimum lot area reduction below 3,500 sq ft
- **Proposed Use:** Single-family dwelling with Secondary Suite on each lot
- **Total Dwelling Units:** 2
- **MAX LOT COVERAGE:** MAX LOT COVERAGE 30% [2499 SQ FT X 30% = 749 SQ FT. PROPOSED 749 SQ FT.

- **SOFT SCAPING:** MIN SOFT SCAPING 30% [2499 SQ FT X 30% = 749 SQ FT. PROPOSED 754 SQ FT
- **Access:** Rear lane with onsite parking. 2 Per lot.

6. Conclusion

The proposed variance is contextually appropriate reduction in lot area to facilitate a reasonable development.

The incorporation of **Schedule "Y" design intent ensures that the proposed built form is compatible with the surrounding neighbourhood**, and the proposal does not adversely affect adjacent properties. The development represents a modest and appropriate intensification of an existing serviced residential parcel.

Approval of the variance will allow for efficient redevelopment while maintaining the character and stability of the surrounding area.

Sincerely,



Paulo Austria Castillo, MAA, Principal

PAULO AUSTRIA CASTILLO ARCHITECT

Exhibit “1” referred to in File DAV 154732A/2026C

Winnipeg

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 26-154732/C

APPLICANT:	Paulo Austria Castillo Architect 67 Forest Park DR Winnipeg, MB, R2V 2R5 CAN
PREMISES AFFECTED:	827 Barry Avenue
LEGAL DESCRIPTION:	LOT 41/42 BLOCK 4 PLAN 2076 WLTO IN SE 6-11-14 EPM herein after called “the land”
PROPERTY ZONED:	R1-M
SCHEDULE AC:	NO
ZONING ATLAS SHEET:	AA33

NATURE OF APPLICATION:

To vary the "R1-M" development and design standards of Winnipeg Zoning By-Law No. 200/2006 as follows:

1) for the establishment of two (2) residential zoning lots to permit lot areas of 2,499 square feet (232.2 square metres) instead of 3,500 square feet (325.2 square metres);
2) for the construction of two (2) single-family dwelling to permit front yards of 20 feet (6.10 metres) on lots 41 & 42 instead of 24 feet (7.32 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: 827 Barry Avenue

The Director of Planning, Property and Development Department hereby orders that the provisions of the "R1-M" development and design standards of Zoning By-Law No. 200/2006 and amendments thereto are **Rejected** on the “land” as follows:

~~1) The establishment of two (2) residential zoning lots having lot areas of 2,499 square feet (232.2 square metres);~~

~~2) The construction of two (2) single-family dwelling having front yards of 20 feet (6.10 metres) on lots 41 & 42.~~

DATE OF ORDER: July 06, 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 July 20, 2026
[IF RECEIVED LATE YOUR APPEAL CANNOT BE HEARD.]

(c) refer to Variance Order No. DAV 26-154732/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 204-947-3452
Email: clk-appeals@winnipeg.ca