Minutes – Appeal Committee – September 2, 2026

PUBLIC HEARINGS

Item No. 1 **Appeal – Variance – 11 Bayview Drive (Transcona Ward) File DAV 261606A/2025B**

COMMITTEE DECISION:

The Appeal Committee denied the appeal, concurred in the decision of the Director of Planning, Property and Development, confirmed Variance Order DAV 261606/2025B and approved a Variance on "the land" for the maintenance of a detached accessory structure (shed) to permit as follows:

1. A 0.23 feet (0.07 metres) south side yard.

2. No separation space to the existing single-family dwelling.

Subject to the following condition(s) which the Director of Planning, Property and Development Department considers necessary to ensure compliance with criteria (a) to (d) above, 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.

2. That, the addition shall be built in substantial conformance with plans submitted and identified as Sheets 1 to 3 of DAV 25-261606/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 Gilroy,
That the report of the Winnipeg Public Service be taken as read.

Carried

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

Carried

Moved by Councillor Gilroy,
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. The owner has made changes that are required from the City so there have been changes such as rerouting of the eavestroughs and downspouts, and the City deems that these will help with the concerns to be addressed.

Carried

DECISION MAKING HISTORY (continued):

Moved by Councillor Gilroy,
That the appeal be denied and the decision of the Director of Planning, Property and Development be concurred in.

Carried

Moved by Councillor Gilroy,
That Variance Order DAV 261606/2025B be confirmed.

Carried

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

Carried

THE CITY OF WINNIPEG
VARIANCE APPEAL ORDER
APPEAL COMMITTEE

DAV 261606A/2025B

Before:	Appeal Committee Councillor Santos, Chairperson Councillor Allard Councillor Durand-Wood Councillor Gilroy
Hearing	September 2, 2026 Council Building, 510 Main Street
Applicant:	Virginia Harrison
Premises Affected:	11 Bayview Drive
Legal Description:	LOT 30 BLOCK 1 PLAN 8600 SE 9 11 4E, hereinafter called “the land”
Property Zoned:	“R1-L” (Residential Single-Family-Large)
Nature of the Application:	To vary the "R1-L" Development and Design Standards of the Winnipeg Zoning By-Law No. 200/2006 for the maintenance of a detached accessory structure (shed) to permit as follows: 1. 0.23 feet (0.07 metres) south side yard instead of 4 feet (1.22 metres); 2. no separation space to the existing single-family dwelling instead of 3 feet (0.91 metres).

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

The Director of Planning, Property and Development approved a Variance, File DAV 261606/2025B to Virginia Harrison, for the premises located at 11 Bayview Drive, for the maintenance of a detached accessory structure (shed) to permit as follows:

1. a 0.23 feet (0.07 metres) south side yard instead of 4 feet (1.22 Metres);

2. no separation space to the existing single-family dwelling instead of 3 feet (0.91 metres),

subject to the following condition(s) which the Director of Planning, Property and Development Department considers necessary to ensure compliance with criteria (a) to (d) above, 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.

2. That, the addition shall be built in substantial conformance with plans submitted and identified as Sheets 1 to 3 of DAV 25-261606/B.

Pursuant to the provisions of The City of Winnipeg Charter, Bruce and Teresa Schmidt, appealed the Variance Order DAV 261606/2025B, and after Notice, the appeal was heard on September 2, 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. The owner has made changes that are required from the City so there have been changes such as rerouting of the eavestroughs and downspouts, and the City deems that these will help with the concerns to be addressed.

ORDER:

The Appeal Committee orders that the appeal is dismissed and that Variance Order DAV 261606/2025B dated July 15, 2026, is confirmed.

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

DATE OF ORDER: September 4, 2026

CERTIFIED BY:



Karly Dolski
Senior Committee Clerk

THE FOLLOWING PERSONS MADE REPRESENTATIONS:

In Support of the Appeal:

Bruce Schmidt

In Opposition to the Appeal:

Virginia Harrison

For Information on the Appeal:

Nil

For the City:

D. Kane, Development Planning Officer, Planning, Property and Development Department
M. Robinson, Principal Planner, Planning, Property and Development Department
S. Nuttall, Planner, Planning, Property and Development Department

EXHIBITS FILED FOR DAV 261606A/2025B

1. Order DAV 261606/2025B dated July 15, 2026
2. Notice of Appeal filed by Bruce and Teresa Schmidt, received July 17, 2026
3. Notification of Public Hearing dated August 14, 2026
4. Manitoba Status of Title 3371692/1
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 3 inclusive, for File DAV 261606A/2025B dated June 9, 2026
7. Report from the Urban Planning Division dated June 15, 2026
8. Inspection Report
9. Communication from Virginia Harrison in opposition to the appeal

X. Presentation in support of the appeal, submitted by the Bruce Schmidt at the hearing

X. Presentation in support of the appeal, submitted by the Virginia Harrison at the hearing

Exhibit “7” referred to in File DAV 261606A/2025B

PLANNING ADMINISTRATIVE REPORT

Title: DAV 25-261606\B – 11 Bayview Dr

Issue: For consideration of a Variance associated with the maintenance of a shed in the south side yard.

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 **approves** the application to vary the "R1-L" Development and Design Standards of Winnipeg Zoning By-Law No. 200/2006 for the maintenance of a detached accessory structure (shed) to permit as follows:

1) 0.23 feet (0.07 metres) south side yard instead of 4 feet (1.22 metres);

2) no separation space to the existing single-family dwelling instead of 3 feet (0.91 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.
2) That, the addition shall be built in substantial conformance with plans submitted and identified as Sheets 1 to 3 of DAV 25-261606/B.

REASON FOR THE REPORT

- The applicant is proposing to maintain a shed and requires Variances for setback and separation 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 25-261606\B**
RELATED FILES:	N**/A**
COMMUNITY:	East Kildonan - Transcona Committee
NEIGHBOURHOOD #:	4.410 - (KILDARE-REDONDA)
SUBJECT:	To vary the "R1-L" Development and Design Standards of Winnipeg Zoning By-Law No. 200/2006 for the maintenance of a detached accessory structure (shed) to permit as follows: 1) 0.23 feet (0.07 metres) south side yard instead of 4 feet (1.22 metres); 2) no separation space to the existing single family dwelling instead of 3 feet (0.91 metres).
LOCATION:	11 Bayview Dr
LEGAL DESCRIPTION:	LOT 30 BLOCK 1 PLAN 8600 SE 9 11 4E
APPLICANT:	Virginia Harrison 11 Bayview Dr Winnipeg, MB R2C 0Z3
OWNER:	Virginia Harrison 11 Bayview Dr Winnipeg, MB R2C 0Z3

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 west side Bayview Dr, north of St Martin Blvd in the Kildare-Redonda neighbourhood of the Transcona ward.
- The subject site is 5,767 square feet (535.7 square metres) in area. The site is currently occupied by a one (1) storey 1,204 square foot single-family dwelling built in 1966 used as a private residence.
- The subject site is accessed by a driveway leading to a parking space in the side yard.



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

SURROUNDING LAND USE AND ZONING (See Figure 2)

North: Single-family residential uses zoned “R1-L” Single-family Large

South: Single-family residential uses zoned “R1-L” Single-family Large

East: Single-family residential uses zoned “R1-L” Single-family Large

West: Right-of-Way – Wayoata Ave



Figure 2: Zoning of the site and surrounding area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant intends to maintain an existing shed in the south side yard.

Reason for the Variances

In the “R1-L” District, the required side yard setback is 4 feet. The required separation space between the dwelling and shed is 3 feet.

The applicant is proposing to maintain a shed in the south side yard with a south yard setback of 0.23 feet and no separation space between the dwelling and the shed. For these reasons, Variances are required.

ANALYSIS AND ISSUES

ANALYSIS OF VARIANCE

The maintenance of a shed having a reduced south side yard of 0.23 feet is a minimum modification of the Zoning By-law for an interior lot in a Residential District.

The dwelling on the south side is not impacted by this development as there is an existing fence to provide screening and there is a trough to ensure that the water is not shedding into the neighbouring lot to the south.

The separation space between the dwelling and shed does not pose any adverse impact on any of the neighbouring properties in the adjacent area. The impact is contained on the subject site as there are no building code requirements for an unoccupied structure.

This shed has been maintained for the past 20 years without complaints until 2023.

For these reasons, the Urban Planning and Design Division supports the Variance.

CONDITIONS OF APPROVAL

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 3 of DAV 25-261606/B.

REASONS FOR DECISION

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

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

In that, it encourages residential development that positively contributes to neighbourhood character.

(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 size and height requirements are compliant and thus reduce the adverse effect this development would have 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 requested reduction of the south side yard setback can be considered a minor modification of the zoning by-law due to the existing fencing and trough.

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

In that, there are other similar sized sheds in the community.

CONSULTATION

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

OURWINNIPEG 2045 POLICY ALIGNMENT

WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

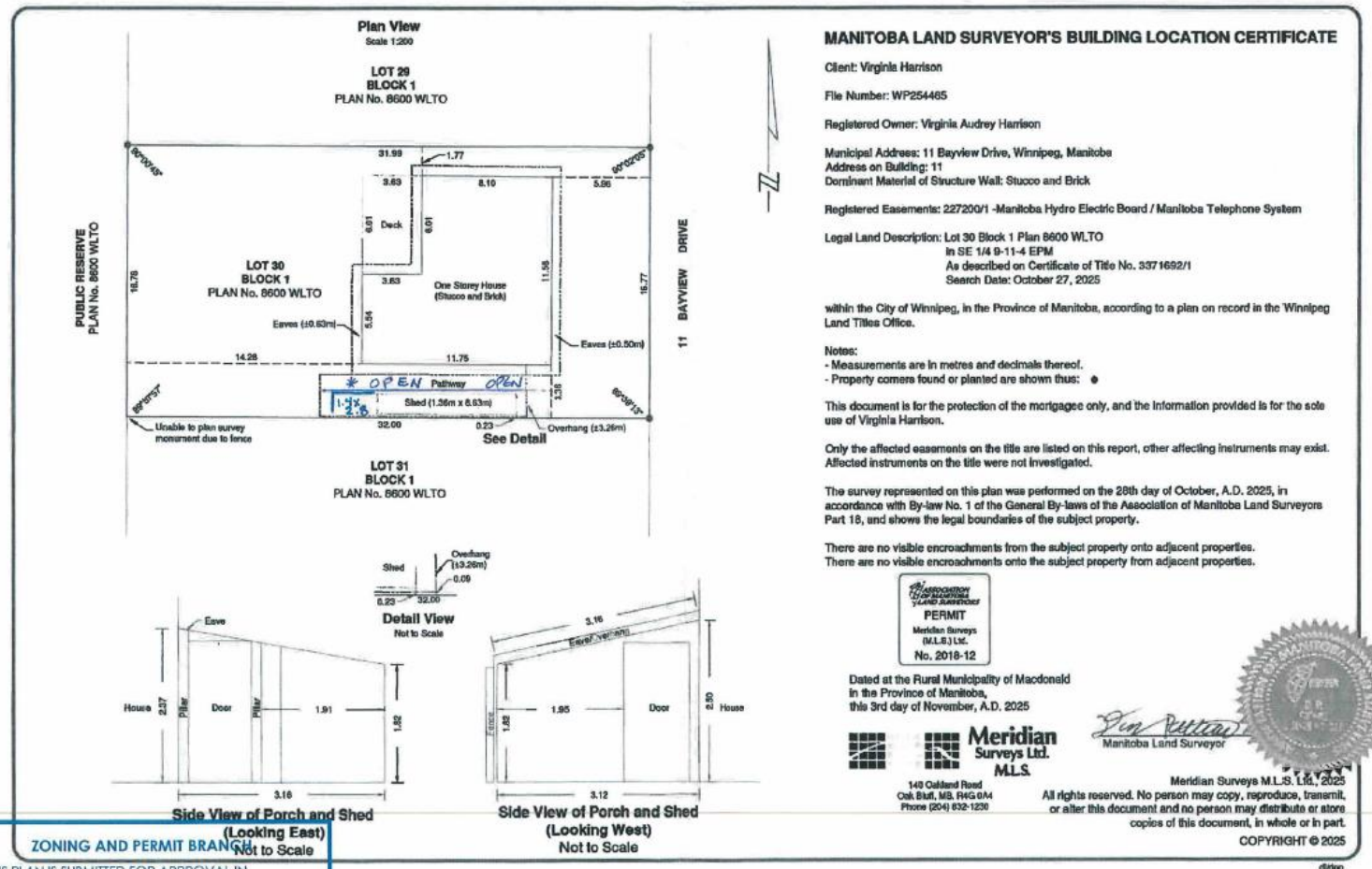
WINNIPEG POVERTY REDUCTION STRATEGY ALIGNMENT

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:	Monday, June 15, 2026
File No.	DAV 25-261606\B

Exhibit “6” referred to in File DAV 261606A/2025B

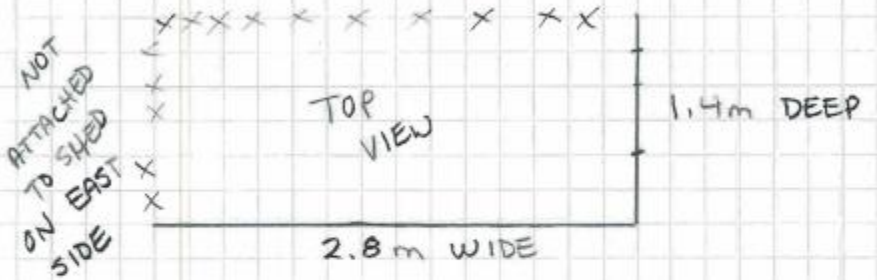


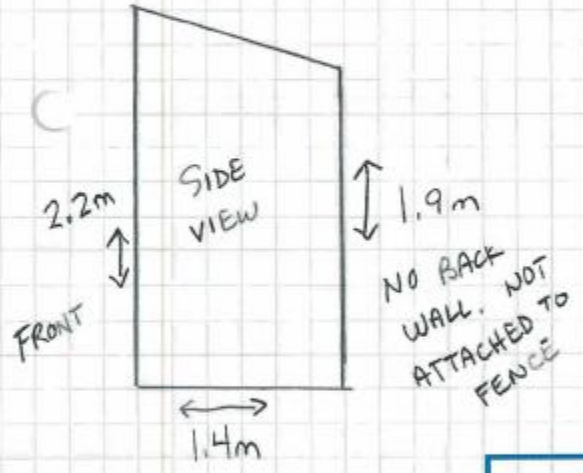
ZONING AND PERMIT BRANCH
THIS PLAN IS SUBMITTED FOR APPROVAL IN
CONNECTION WITH: DAV: 25-261606/B
SHEET # 1 OF 3
DATE: June 09, 2026

* PLASTIC BETWEEN SHED AND HOUSE HAS BEEN REMOVED

OTHER STRUCTURE : FREESTANDING L-SHAPE.
NOT ATTACHED TO FENCE OR OTHER STRUCTURES. NORTH AND WEST 'WALLS' ONLY

FRONT : 2.8 m WIDE
2.2 m HIGH
1.4 m DEEP



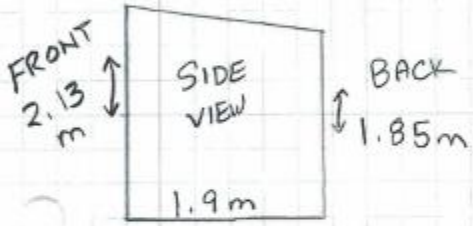


ZONING AND PERMIT BRANCH
THIS PLAN IS SUBMITTED FOR APPROVAL IN
CONNECTION WITH: DAV: 25-261606/B
SHEET # 2 OF 3
DATE: June 09, 2026

SHED
2.13 m HIGH
8.28 m WIDE
1.9 m DEEP

SIDE
FRONT = 2.13 m HIGH
BACK = 1.85 m HIGH
1.9 m DEEP





ZONING AND PERMIT BRANCH

THIS PLAN IS SUBMITTED FOR APPROVAL IN

CONNECTION WITH: DAV: 25-261606/B

SHEET # 3 OF 3

DATE: June 09, 2026

Exhibit “2” referred to in File DAV 261606A/2025B

From: bhschmit
Sent: Friday, July 17, 2026 10:59 AM
Subject: Subject : DAV 25-261606B - APPEAL
Attention Appeals Committee,

We Bruce and Teresa Schmidt of , send this email as a communication to APPEAL DAV 25-261606B. We are not in favour of this variance.

Please acknowledge receipt.

Thank you,
Bruce and Teresa Schmidt

From: Bruce Schmidt
Sent: Friday, July 17, 2026 1:33 PM
Subject: Re: Subject : DAV 25-261606B - APPEAL

1. The property we are appealing to variance for is #11 Bayview Drive (our direct neighbour to the north of us).
2. Reasons are as follows:
- Direct runoff into our yard especially in the spring when the eaves are frozen.
- Runoff adversely affects the hydraulic pressure on our north wall. The wall was previously repaired and is starting to weep again.
- The variance does not fit the area. I could only find one variance in the neighbourhood similar to this (#876 Wayoata Street). The set back looks like around 0.9 metres, not 0.07.
- Fire Safety - not a typical side yard separation. The wall is 1.5m from our house. Does this not warrant fire protection?
- Livability - we wake up everyday at look at a series of shanties and different roof lines, roofing material and two different types of fences.
- The eavestroughs are in our property.
Respectively submitted,
Bruce and Teresa Schmidt




876
876











Exhibit “1” referred to in File DAV 261606A/2025B

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 25-261606/B

APPLICANT: VIRGINIA HARRISON
11 BAYVIEW DR
Winnipeg, MB, R2C 0Z3
CANADA

PREMISES AFFECTED: 11 Bayview Drive

LEGAL DESCRIPTION: LOT 30 BLOCK 1 PLAN 8600 SE 9 11 4E hereinafter called "the land".

PROPERTY ZONED: R1-L

SCHEDULE AC: No

ZONING ATLAS SHEET: Y36

NATURE OF APPLICATION:

To vary the "R1-L" Development and Design Standards of Winnipeg Zoning By-Law No. 200/2006 for the maintenance of a detached accessory structure (shed) to permit as follows:

1) 0.23 feet (0.07 metres) south side yard instead of 4 feet (1.22 metres);
2) no separation space to the existing single-family dwelling instead of 3 feet (0.91 metres).

It is the opinion of the Director of Planning, Property and Development Department that subject to conditions listed below, if any, this order meets the statutory criteria of the City of Winnipeg Charter in that it:

(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.

C.W. Charter Subsection 247(3)

ORDER:

RE: 11 Bayview Drive

The Director of Planning, Property and Development Department hereby orders that the provisions of the "R1-L" dimensional standards of Winnipeg Zoning By-Law No. 200/2006 and amendments thereto are **VARIED TO PERMIT, with Condition(s)** on "the land" for the maintenance of a detached accessory structure (shed) to permit a 0.23 feet (0.07 metres) south side yard and no separation space to the existing single family dwelling, subject to the following condition(s) which the Director of Planning, Property and Development Department considers necessary to ensure compliance with criteria (a) to (d) above, 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.
2) That, the addition shall be built in substantial conformance with plans submitted and identified as Sheets 1 to 3 of DAV 25-261606/B.

DATE OF ORDER: July 15, 2026

CERTIFIED BY:

R. Hayer

_____

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 29, 2026
[IF RECEIVED LATE YOUR APPEAL CANNOT BE HEARD.]

(c) refer to Variance Order No. DAV 25-261606/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 204-947-3452
Email: clk-appeals@winnipeg.ca