**Agenda – Appeal Committee – September 16, 2026**

## PUBLIC HEARINGS

**Item No. 3 Appeal – Conditional Use – 20 Barton Avenue**
**(St. Vital Ward)**
**File DCU 169068A/2026B**

An appeal was received against the decision of the Director of Planning, Property and Development, to approve a Conditional Use to permit on "the land" a daycare use (maximum of 12 children) with two (2) non-resident employees providing a personal service on the premises to establish Home based business – major use,

subject to the following conditions:

1. That, the hours of operation on the premises be limited to between 7:00 am and 5:00 pm Monday to Friday.

2. That, the operator of the home-based business must be a resident of the dwelling where the home-based business is conducted.

3. That, there shall be no more than two (2) non-resident employees on the premises.

4. That, no other home-based business shall be conducted on the premises

5. That, care shall be provided to not more than twelve (12) children on the premises and that the day shall be licensed in accordance with the Provincial Day Care Licensing authority.

6. That, a pickup/drop off area shall be provided on the property to ensure the safety of persons entering and exiting the premises.

7. That, there shall be no exterior indication of the home-based business except for one (1) non-illuminated identification sign maximum 2 square feet (0.6 metres) in area.

8. That, the Conditional Use granted by this Order to establish a day care, maximum twelve (12) children providing a personal service as a home-based business on the premises shall terminate July 28th, 2028

**Agenda – Appeal Committee – September 16, 2026**

| | |
|---|---|
| **File:** | DCU 169068A/2026B |
| **Appellant(s):** | Marian Boles |
| **Applicant:** | Farzana Bibi |
| **Premises Affected:** | 20 Barton Avenue |
| **Legal Description:** | LOT 6 BLOCK 12 PLAN 5916 118/119 ST B*, hereinafter called "the land" |
| **Property Zoned:** | "R1-M" (Residential Single-Family – Medium) |
| **Nature of the Application:** | For a Conditional Use under Winnipeg Zoning By-Law No. 200/2006 to permit a daycare use (maximum of 12 children) with two (2) non-resident employees providing a personal service on the premises to establish Home based business - major use. |
| **Exhibits Filed:** | 1. Order DCU 169068/2026B dated August 10, 2026<br>2. Notice of Appeal filed by Marian Boles, received August 20, 2026<br>3. Notification of Public Hearing dated September 31, 2026<br>4. Manitoba Status of Title 2866118/1<br>5. Letter of authorization dated June 1, 2026, from Muhammad Safdar and Farzana Bibi to Farzana Bibi<br>6. Confirmation from the Zoning and Permits Administrator that the subject property may be posted in substitution for newspaper advertising<br>7. Plans, Sheets 1 to 3 inclusive, for File DCU 169068/2026B dated June 29, 2026<br>8. Report from the Urban Planning Division dated July 7, 2026<br>9. Communication dated September 4, 2026, from Isioma Okonkwo in opposition to the appeal<br>10. Communication dated September 8, 2026, from Farzana Bibi in opposition to the appeal<br>11. Communication dated September 9, 2026, from Chantal Harel in opposition to the appeal<br>12. 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 Section 254 and Subsection 247(3) of The City of Winnipeg Charter, the Conditional Use,

(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; 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 Director of Planning, Property and Development be / not be concurred in.

Moved by Councillor,

That Conditional Use Order DCU 169068/2026B be confirmed / cancelled.

Moved by Councillor

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

Exhibit “8” referred to in File DCU 169068A/2026B

# PLANNING ADMINISTRATIVE REPORT

**Title:** DCU 26-169068\B – 20 Barton Ave

**Issue:** For consideration of a Conditional Use for a home-based business (daycare) increasing from 8 to 12 children with two (2) non-resident employees.

**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 for a Conditional Use under Winnipeg Zoning By-Law No. 200/2006 to permit a daycare use (maximum of 12 children) with two (2) non-resident employees providing a personal service on the premises to establish Home based business - major use.

Subject to the following condition(s):

1) That, the hours of operation on the premises be limited to between 7:00 am and 5:00 pm Monday to Friday.
2) That, the operator of the home-based business must be a resident of the dwelling where the home-based business is conducted.
3) That, there shall be no more than two (2) non-resident employees on the premises.
4) That, no other home-based business shall be conducted on the premises
5) That, care shall be provided to not more than twelve (12) children on the premises and that the day shall be licensed in accordance with the Provincial Day Care Licensing authority.
6) That, a pickup/drop off area shall be provided on the property to ensure the safety of persons entering and exiting the premises.
7) That, there shall be no exterior indication of the home-based business except for one (1) non-illuminated identification sign maximum 2 square feet (0.6 metres) in area.
8) That, the Conditional Use granted by this Order to establish a day care, maximum twelve (12) children providing a personal service as a home-based business on the premises shall terminate July 28th, 2028.

## REASON FOR THE REPORT

- The applicant is proposing to establish a daycare use and requires a Conditional Use under the requirements of the *Winnipeg Zoning By-Law*.
- This report provides information regarding the subject application's compliance with *The City of Winnipeg Charter*, section 249.

## FILE/APPLICANT DETAILS

| | |
|---|---|
| **FILE:** | **DCU 26-169068\B** |
| **RELATED FILES:** | 2026 168236 000 00 RO - major HBB |
| **COMMUNITY:** | Riel Committee |
| **NEIGHBOURHOOD #:** | 5.515 - (ST. GEORGE) |
| **SUBJECT:** | For a Conditional Use under Winnipeg Zoning By-Law No. 200/2006 to permit a daycare use (maximum of 12 children) with two (2) non-resident employees providing a personal service on the premises to establish Home based business - major use. |
| **LOCATION:** | 20 Barton Ave |
| **LEGAL DESCRIPTION:** | LOT 6 BLOCK 12 PLAN 5916 118/119 ST B* |
| **APPLICANT:** | Farzana Bibi<br>20 Barton Ave<br>Winnipeg, MB R2M 1E9 |
| **OWNER:** | Muhammad Safdar<br>20 Barton Ave<br>Winnipeg, MB R2M 1E9 |

## HISTORY

N/A

## DISCUSSION

### CRITERIA FOR APPROVAL

Pursuant to Section 247(3) of *The City of Winnipeg Charter*, an application for a Conditional Use with respect to a property may be approved if the Conditional Use:

(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;

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

**SITE DESCRIPTION**

- The subject property is located on the south side of Barton Ave, west of St Anne's Rd in the St. George neighbourhood of the St Vital ward.
- The subject site is 5,872 square feet (545.5 square metres) in area. The site is currently occupied by a one (1) storey 948 square foot single-family dwelling built in 1955 used as a private residence.
- The subject site is accessed by a paved back lane.

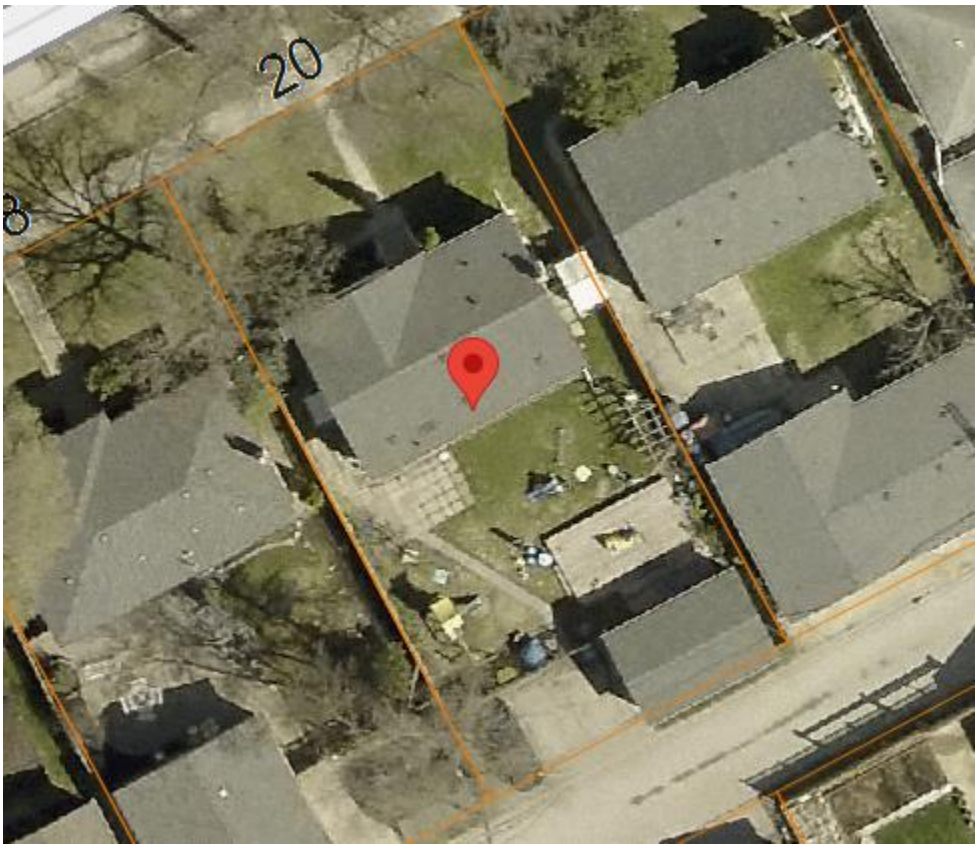



**Figure 1: Aerial photo of subject site and surrounding area *(flown 2024)***

**SURROUNDING LAND USE AND ZONING (See Figure 2)**

**North:** Single-family residential uses zoned "R1-M" Single-Family Medium

**South:** Single-family residential uses zoned "R1-M" Single-Family Medium

**East:** Single-family residential uses zoned "R1-M" Single-Family Medium

**West:** Single-family residential uses zoned "R1-M" Single-Family Medium



**Figure 2: Zoning of the site and surrounding area.**

## DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant intends to establish a home-based business as a daycare for twelve (12) children and two (2) non-resident employees.
- The existing driveway on site will provide a safe drop-off/pick-up area.
- Hours of operation will be Monday to Friday from 7:30 am – 5:00 pm.

### Reason for Conditional Use

In the “R1-M” District, a home-based business is proposing to have twelve (12) children and two (2) non-resident employees attend the premises. For this reason, a Conditional Use is required.

## ANALYSIS AND ISSUES

ANALYSIS OF CONDITIONAL USE

The proposed home-based business having twelve (12) children and two (2) non-resident employees attending the premises is compatible in a residential district.

The proposed home-based business will operate out of the main floor of the dwelling and will be compatible with the existing uses in the neighbourhood.

However, due to the nature of the home-based business, it is recommended that the home-based business should be permitted for a two (2) year probationary period to monitor its operation and effect.

**CONDITIONS OF APPROVAL**

1) That, the hours of operation on the premises be limited to between 7:00 am and 5:00 pm Monday to Friday.
2) That, the operator of the home-based business must be a resident of the dwelling where the home-based business is conducted.
3) That, there shall be no more than two (2) non-resident employees on the premises.
4) That, no other home-based business shall be conducted on the premises
5) That, care shall be provided to not more than twelve (12) children on the premises and that the day shall be licensed in accordance with the Provincial Day Care Licensing authority.
6) That, a pickup/drop off area shall be provided on the property to ensure the safety of persons entering and exiting the premises.
7) That, there shall be no exterior indication of the home-based business except for one (1) non-illuminated identification sign maximum 2 square feet (0.6 metres) in area.
8) That, the Conditional Use granted by this Order to establish a day care, maximum twelve (12) children providing a personal service as a home-based business on the premises shall terminate July 28th, 2028.

**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 provides an additional range of services and amenities within walking distance to meet daily needs.*

(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, due to the small scale and provided drop-off/pick-up area there will be no adverse effect upon the adjacent properties or neighbourhood.*

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

*In that, there are many similar home-based businesses of this nature approved throughout the City without disruption to the neighbourhood.*

**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.

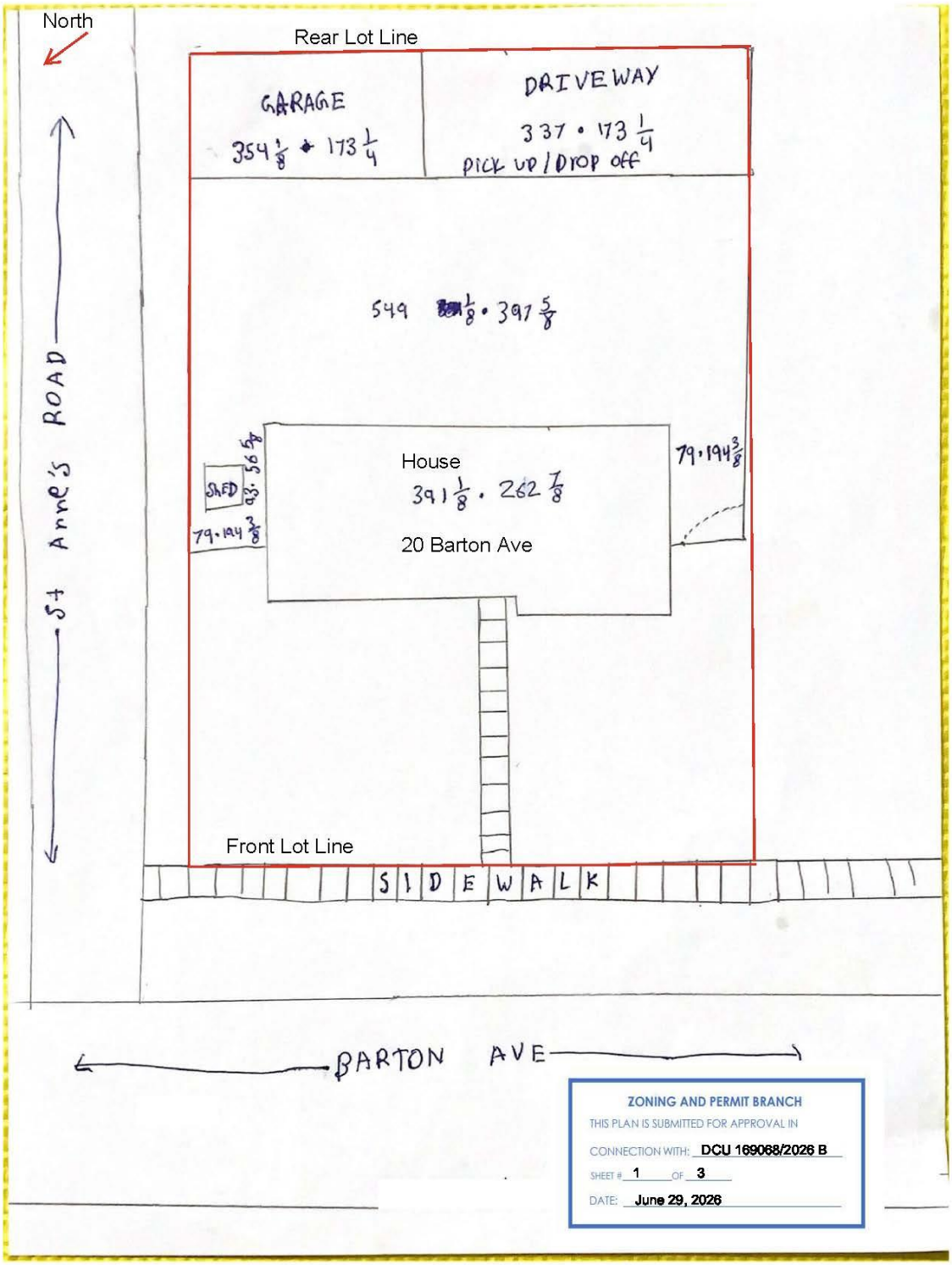
## WINNIPEG POVERTY REDUCTION STRATEGY ALIGNMENT

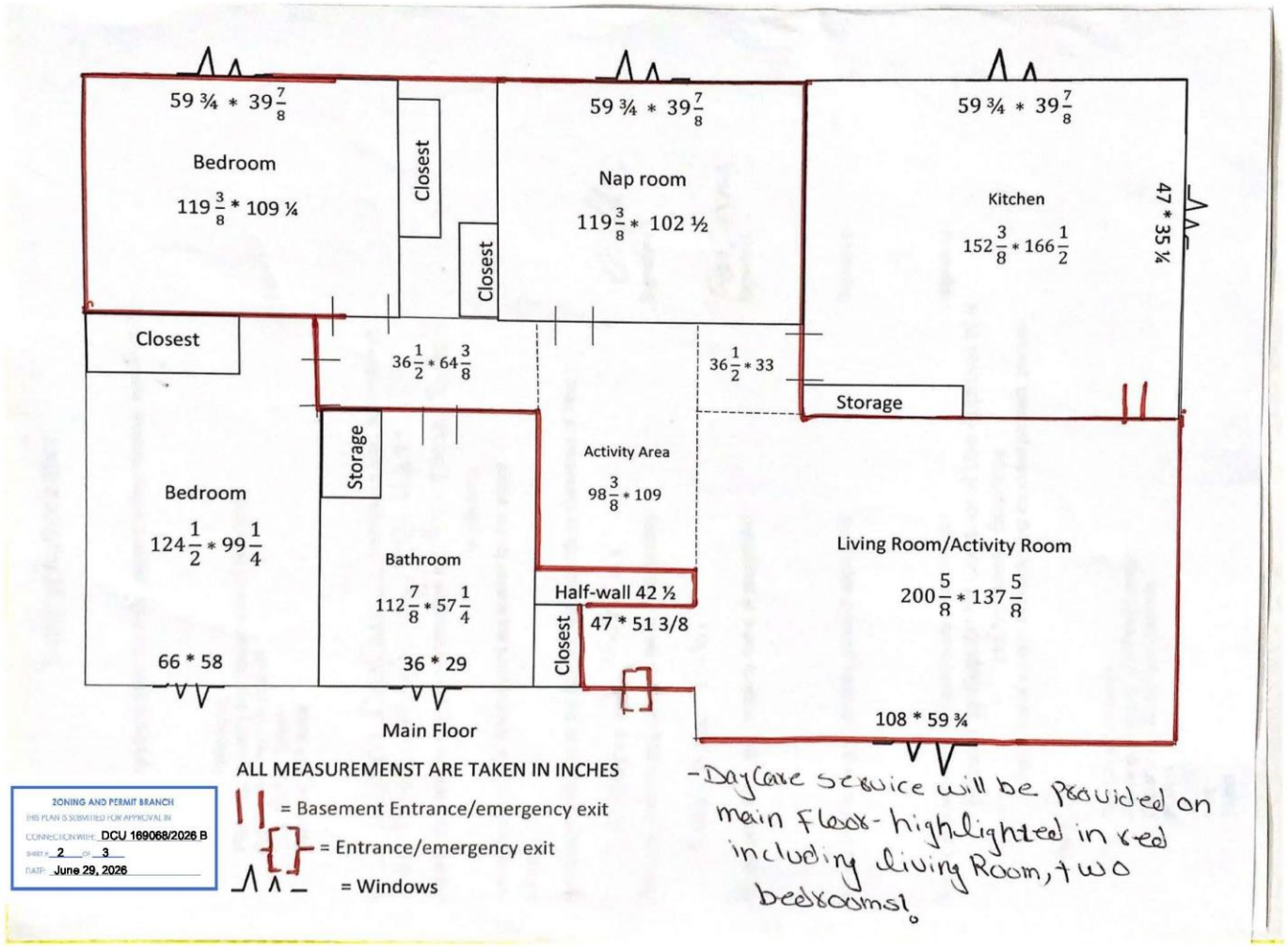
Consideration was given to whether this report connects to any of the specific Goals and Objectives in the *PRS* and it was determined the *PRS* is not applicable to this specific report.

## SUBMITTED BY

| | |
|---|---|
| Department: | Planning, Property and Development |
| Division: | Urban Planning and Design |
| Prepared by: | Donna Kane |
| Date: | Tuesday, July 7, 2026 |
| File No. | DCU 26-169068\B |

Exhibit “7” referred to in File DCU 169068A/2026B




59 ¾ * 39 7/8
Bedroom
119 3/8 * 109 ¼
Closest
59 ¾ * 39 7/8
Nap room
119 3/8 * 102 ½
Closest
59 ¾ * 39 7/8
Kitchen
152 3/8 * 166 1/2
47 * 35 ¼
Closest
36 1/2 * 64 3/8
36 1/2 * 33
Storage
Storage
Activity Area
98 3/8 * 109
Bedroom
124 1/2 * 99 1/4
Bathroom
112 7/8 * 57 1/4
Half-wall 42 ½
47 * 51 3/8
Closest
Living Room/Activity Room
200 5/8 * 137 5/8
66 * 58
36 * 29
108 * 59 ¾
Main Floor
ALL MEASUREMENST ARE TAKEN IN INCHES
= Basement Entrance/emergency exit
= Entrance/emergency exit
= Windows
ZONING AND PERMIT BRANCH
THIS PLAN IS SUBMITTED FOR APPROVAL IN
CONNECTION WITH: DCU 169068/2026 B
SHEET # 2 OF 3
DATE: June 29, 2026
- Daycare service will be provided on main floor - highlighted in red including living Room, two bedrooms.

ZONING AND PERMIT BRANCH
THIS PLAN IS SUBMITTED FOR APPROVAL IN
CONNECTION WITH: DCU 169068/2026 B
SHEET # 3 OF 3
DATE: June 29, 2026

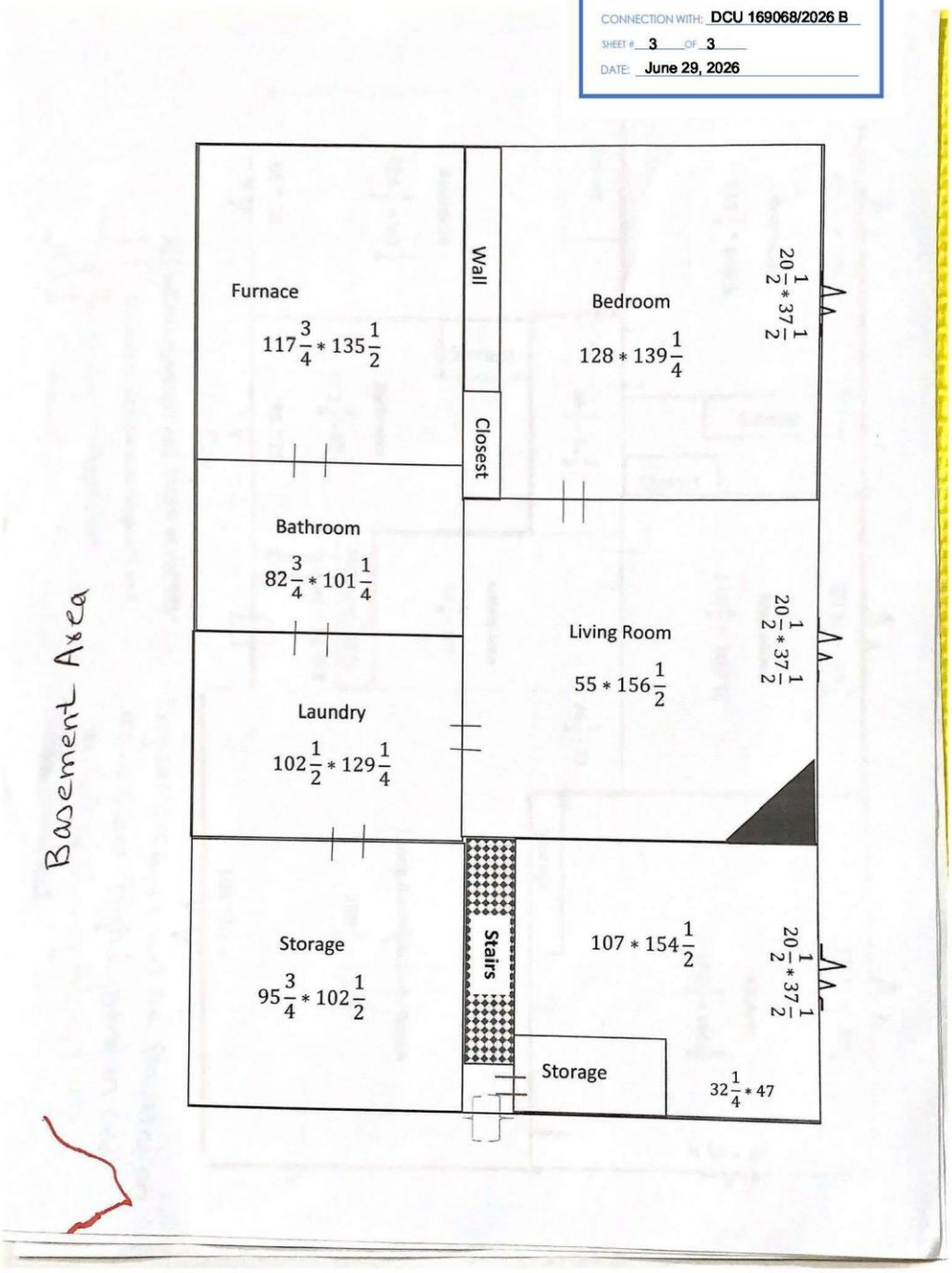


Exhibit "2" referred to in File DCU 169068A/2026B

August 18th, 2026
City of Winnipeg
Urban Planning and Design
Director of Planning and Property Development
Donna Kane

DCU 26-169068\B – 20 Barton Ave
Related Files: 2026 168236 000 00 RO – major HBB

**Issue:** For consideration of a Conditional Use for a home-based business (daycare) increasing from 8 to 12 children with two (2) non-resident Employees

Applicant: Farzana Bibi Owner: Muhammad Safdar
The understanding is the home is owned by a married couple.
Is the applicant an owner or a family member residing in the house.

**To Appeal Points of Criteria:**

**Conditions:**

**#2** That, the operator of the home-based business must be a resident of the dwelling where the home-based business is conducted.
Description of the Proposed Development:
The applicant intends to establish a home-based business as a daycare for twelve (12) children and two (2) no resident employees
**#5** That, care provided to not more than twelve (12) children on the premises and that the daycare shall be licensed in accordance with Provincial Day Care Licensing authority.

**Appeal:**

The home has been a day care for the past few years.
Presently there are 2 families residing in the house. 4 adults, 1 infant
One person works outside of the home.
Three of the children have been school age (before and after program)
2 Toddlers
3 Grandchildren
To increase the allowable number to 12 full time children,
2 assistants – are they required to have; Background check, Child Care Certificate, First Aid.
3 adults, 1 infant brings the total number during the day will be 18.
That is doubling the number.
The house is under 1,000 square feet
The main floor diagram outlined the main bedroom is not accessible to the daycare.
The residents are using the basement as living quarters (minus the kitchen)
This area does not meet code as there is no emergency egress from any of the rooms.
The yard is not set up for a daycare.
There is a free standing deck approximately 18" off the ground. Although there is no general requirement for a safety rail, but for a daycare it is a safety issue.
Provide 2 swings and a plastic free standing slide. Presently 5 children have to wait to use any of it.

**Conditions:**
Description of the Proposed Development:
The existing driveway on site will provide a safe drop-off and pick-up area.
**#6** That a pickup/drop off area shall be provided on the property to ensure the safety of persons entering and exiting the premises
Reason for Decision:
(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, due to the small scale and provided drop-off/pick-up area there will be no adverse effect upon the adjacent properties or neighbourhood*

**Appeal:** The location of the pickup/drop off area is an extremely congested area.

Back lane parking: Described as a driveway on site, it is a double wide parking pad right off the back lane.

The area is located 2 houses away from the intersection of the back lane running parallel to St. Annes road and is used by the area to access the traffic lights at St. Annes and Havelock, the next street over to access same.

Homeowners who have garages on the backlane use extreme caution due to foot traffic.

Families walking their children to school enter the back lane from Havelock.

The lane is short (8 homes in length) and is used by a large volume of families including from the various apartments across St. Annes to walk their children to and from school (St George).

The extension of the Barton lane from the corner of St. Andrews and the school has no vehicular traffic permitted during the day to allow for pedestrian traffic from the school.

St. Andrews street has become the parking area for parents to drop off/pick up children as it is not allowed in front of school on St. George street.

Children run up and down the lane to get to the playground and soccer fields after school and throughout the evening as it's located behind the school. Access is right off the Barton lane by St. Andrew.

Increased traffic to this area will creative a very dangerous situation.

Front Street:

Again with there only being 8 houses per side on the street, parking is limited

The applicants park 2 vehicles on the front street.

There is a home across the street with school age children overseen by social services. Caregivers come on go with their schedules, sometimes several vehicles at a time.

The apartments on the corner of St. Annes and Barton use the street for overflow.

The workers on the construction project at Kenbur Gardens Apartments right across on St. Annes, park on side streets from 7 a.m. to 6p.m. due to the parking restrictions on St. Annes. This is a 2 year project.

There is no free space anywhere on the street during the week.

This immediate area to the school, playground, major construction site, etc. cannot support freed up parking space for 12 cars coming and going.

Going from 5 – 12 full time children is going to be a challenge for the business owner.

The home, yard and location is not supportive of the number of people who will be using it or the increase in traffic.

The surrounding neighbours therefore appeal the decision and request the permit remain at 8 children.

Respectfully:

Exhibit “1” referred to in File DCU 169068A/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

# CONDITIONAL USE ORDER

DCU 26-169068/B

APPLICANT: FARZANA BIBI
20 BARTON AVE
Winnipeg, MB, R2M 1E9
CANADA
PREMISES AFFECTED: 20 Barton Avenue
LEGAL DESCRIPTION: LOT 6 BLOCK 12 PLAN 5916 118/119 ST B* hereinafter called "the land".
PROPERTY ZONED: R1-M
ZONING ATLAS SHEET: AE27
NATURE OF APPLICATION:

For a Conditional Use under Winnipeg Zoning By-Law No. 200/2006 to permit a daycare use (maximum of 12 children) with two (2) non-resident employees providing a personal service on the premises to establish Home based business - major use.

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

C.W. Charter Section 254 and Subsection 247(3)

ORDER:
RE: 20 Barton Avenue

The Director of Planning, Property and Development Department hereby orders that to permit a daycare use (maximum of 12 children) with two (2) non-resident employees providing a personal service on the premises to est ablish Home based business - major use. **is Approved with Condition(s)** on "the land", 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, the hours of operation on the premises be limited to between 7:00 am and 5:00 pm Monday to Friday.
2) That, the operator of the home-based business must be a resident of the dwelling where the home-based business is conducted.
3) That, there shall be no more than two (2) non-resident employees on the premises.
4) That, no other home-based business shall be conducted on the premises
5) That, care shall be provided to not more than twelve (12) children on the premises and that the day shall be licensed in accordance with the Provincial Day Care Licensing authority.
6) That, a pickup/drop off area shall be provided on the property to ensure the safety of persons entering and exiting the premises.
7) That, there shall be no exterior indication of the home-based business except for one (1) non-illuminated identification sign maximum 2 square feet (0.6 metres) in area.
8) That, the Conditional Use granted by this Order to establish a day care, maximum twelve (12) children providing a personal service as a home-based business on the premises shall terminate July 28th, 2028.

DATE OF ORDER: August 10, 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 August 24, 2026
[IF RECEIVED LATE YOUR APPEAL CANNOT BE HEARD.]

(c) refer to Conditional Use Order DCU 26-169068/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