



PLANNING ADMINISTRATIVE REPORT

FOR VARIANCE APPLICATION: DAV 25-207953/B

PREMISES AFFECTED: 26 Israel Asper Way
APPLICANT: Brandon Bunkowsky
AtLRG Architecture
82 George Avenue
WINNIPEG MB R3B 0K1
CANADA

Date Application Received: December 10, 2025
Date referred to Planner: December 23, 2025
Community Committee Area: City Centre Community Neighbourhood #: 1.164

NATURE OF APPLICATION:

To vary the “Character Sector” Bulk Regulations and General Provisions of Downtown Winnipeg Zoning By-law No. 100/2004 for the construction of a mixed-use building to permit:

- no north side yard to a residential use instead of 20 feet (6.096 metres);
- no east side yard to a residential use instead of 20 feet (6.096 metres);
- no rear yard to a residential use instead of 20 feet (6.096 metres); and
- a Lot without direct access to a street or public lane (access will need to be facilitated via a cross-access agreement).

FIELD INSPECTION: N/A

COMMENTS:

The purpose of this application is to facilitate a mixed-use development at 26 Israel Asper Way, located at Railside at the Forks development, south of the walkway that connects to Union Station doors, and east of Union Station. It is located in the Forks neighbourhood and the Fort Rouge-East Fort Garry Ward, and in the Character sector under *Downtown Zoning By-law 100/2004*.

On December 13, 2017, Council approved the *Railside at the Forks – Concept Plan* as Council policy. This plan articulates the long-term vision and core principles for the development of the Railside Lands, and provides the guidance required to realize that vision. Planning analysis is proceeding based on the site plan outlined in the approved Concept Plan.

A previous application was approved to facilitate the public realm portion of the site, which involves site access, landscaping, spaces/courtyards between buildings, and on-site parking and loading.

Complete Communities Direction Strategy 2.0 Downtown policy 1.4 directs the Public Service to “ensure the Forks continues to be developed as a distinct, all-season gathering place, through a mixed-use and pedestrian-oriented approach, and work collaboratively with the Forks North

Portage Partnership and relevant City of Winnipeg departments to facilitate the development of Rainside at the Forks and to encourage other initiatives”.

The unique property ownership structure ensures The Forks will retain longtime ownership of the public realm portion of the site as well as the site buildings, while allowing for general autonomy related to building construction and operations. The Forks is in the process of creating, registering, and maintaining in perpetuity – by way of caveat against the titles of the affected lots – an easement agreement with the owners/lessees of the buildings on the site, to enable joint servicing of the site’s buildings.

The Forks will maintain the public realm, and provide a long-term lease for each of the site buildings, which is why the subdivision application (DASSF 529/2018) outlines exact building footprints. Although creating property lines along building walls helps facilitate the desired ownership and operations structure, formation of property lines around buildings also creates the need for additional variances and conditional use applications.

The zoning analysis used to determine and write up the variances must continue to view each parcel as a standalone property, per the City’s legislative requirements. In spite of this legal and legislative necessity, it is the intention for The Forks to retain ownership of both the public realm portion of the site and the site buildings. Therefore, it makes sense from a planning perspective to view these as a whole (as outlined in the Council policy document, *Rainside at the Forks – Concept Plan*). For this reason, the *planning analysis* and application of the variance criteria considers the public realm portion of the site and site buildings as one contiguous development.

The *Rainside at the Forks – Concept Plan* outlines a phased approach, where development will happen from the southern portion of the site to the northern portion. The applicant has indicated that sequencing of development is not quite as originally anticipated, but with every development, they will work to maximize the amount of completed landscaping and public realm surrounding the development.

No rear or side yards

Residential yard requirements exist primarily to protect the livability of surrounding residential properties or the viability of future residential development of adjacent properties. Bulk regulations state that Downtown developments must include a 20-foot rear yard, as well as 10-foot side yards for buildings up to 50 feet in height. For portions of the building above 50 feet, 20-foot side yards must be provided.

In this case, as the Forks owns both the public realm portion of the site as well as each individual lot upon which buildings will be constructed, any development impacts will be one body (the Forks) impacting itself. The Forks is coordinating site-wide encroachments and mitigating any future conflicts that might arise related to tenant privacy, access to sunlight, and building code issues. They will keep updating the City as new buildings are approved. Therefore, the intent of the regulation is fulfilled.

No direct access to a street or public lane

The intent of this regulation is to ensure ongoing access to parking, loading, and the building itself. The Site Plan adopts a ‘village’ model of dispersed and shared services that will serve both future tenants and the public alike. Site design prioritizes pedestrians, and clusters assigned parking stalls along the CN rail line.

For this development, access will be facilitated via a joint services easement agreement that will ensure access from the public right of way to the parking area. Therefore, the variance is considered minimal, and the intent of the regulation is fulfilled.

RECOMMENDATION: Approved with conditions

REASONS:

The provisions of Section 254 and criteria (a) to (d) of Subsection 247(3) of The City of Winnipeg Charter Act namely that the order:

- (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.

Are satisfied as follows:

- The proposed development is consistent with *OurWinnipeg 2045* and *Complete Communities Direction Strategy 2.0*.
- The development is viewed as a whole and will positively impact the amenities, use, and convenience of all properties on the site.
- Viewing the development as a whole (and not a collection of individual properties), and as part of the *Railside at the Forks – Concept Plan* relieves the injurious effect of the Zoning By-law.
- The development is consistent with the *Railside at the Forks – Concept Plan* and is as a result compatible with the area.

Conditions necessary and desirable to ensure compliance with Section 254 and Subsection 247(3):

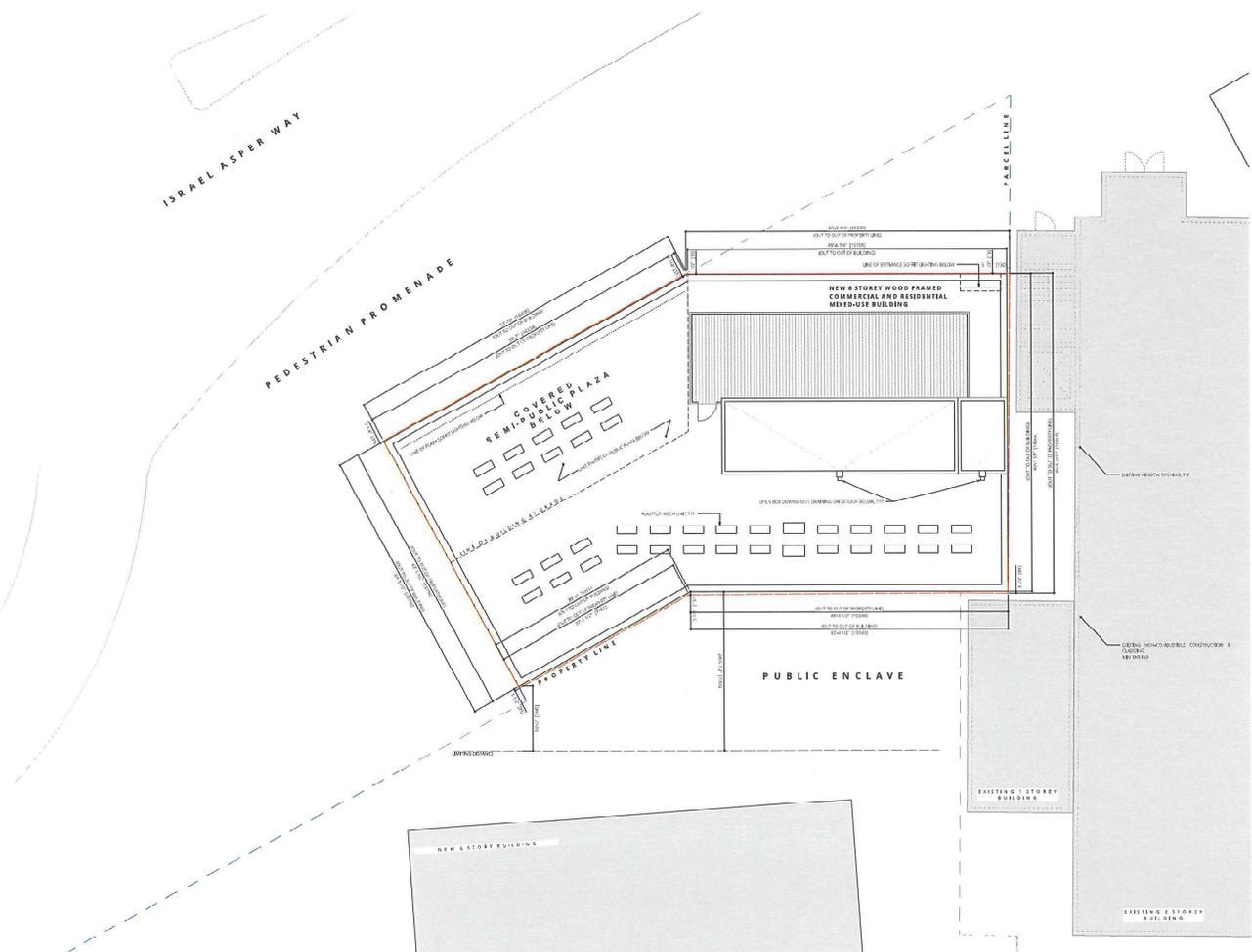
- 1) That, if any variance granted by this order is not established within two (2) years of the date hereof, this order, in respect of that Variance shall terminate.
- 2) That the design shall be in accordance with the recommendations of Downtown Urban Design Review.

- 3) That, to ensure uninterrupted access to the lands commonly referred to as 26 Israel Asper Way (the “Land”), the Developer shall enter into and register against title to the Land a private cross-access agreement or declaration approved by the Director of Planning, Property, and Development with the owners of the Land, which cross-access agreement or declaration must include the following provisions:
- a. “User” means any Owner, the lawful tenants of any Owner and, with the permission or consent (express or implied) of any Owner or lawful tenant of any Owner, any and all of their respective agents, employees, customers, licensees, invitees, visitors, suppliers, contractors, servants and workers, and any other occupier for the time being of any Owner’s land, and the term “Users” shall have the same meaning as the context permits or requires with all necessary changes having been made.
 - b. Each Owner or the Declarant (as the case may be) hereby grants an non-exclusive easement over and upon the Owner’s land or the Land (as the case may be) for the purposes of providing pedestrian and vehicular ingress and egress to and from the Land and to enter, go, return, pass and repass on, along or over the Land at all times and from time to time on foot or with equipment, machinery or vehicles, for the benefit of:
 - i. the Owner(s);
 - ii. any User(s); and
 - iii. the City of Winnipeg for the purposes of providing emergency response services, including emergency medical services, police services and fire prevention, suppression and rescue services, at and to the Land.
 - c. The grant of easement shall be perpetual and run with the Land, and shall irrevocably bind and benefit the Owner(s) and their heirs, assigns, successors, or personal representatives with respect to all of the terms and obligations applicable to the Owner(s).

Planner: Daniel Iskierski
Dated: December 30, 2025

ISRAEL ASPER WAY

PEDESTRIAN PROMENADE



1 SITE / ROOF PLAN
A0.4 SCALE: 1/10'



02 KEY PLAN
A0.4 SCALE: NTS

26 Israel Asper Way

LEGAL DESCRIPTION: LOT 16 PLAN 71713 W/LTO
LOT AREA: 4300SF

GENERAL NOTES
1. PRIMARY ROOF DRUMS TO BE DIMENSIONED INTERNALLY, NO DIMENSIONS AT CURVE.
2. SHARP BE TO BE DIMENSIONED INTO THE BUILDING, ACCESS TO BE LEFT AT CURVE.

ZONING AND PERMIT BRANCH
THIS PLAN IS SUBMITTED FOR APPROVAL IN
CONNECTION WITH: DAV 270953/ 2025B
SHEET # 1 OF 8
DATE: DEC. 22, 2025

A FOR DEVELOPMENT PERMIT 2025-09-26
DRAWN BY: MS
PLOT DATE: 2025.09.26

The Contractor shall verify all dimensions, datum and levels prior to commencement of work. All errors and omissions to be reported to the architect during processing.
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ISSUED FOR DEVELOPMENT PERMIT

ISRAEL ASPER WAY

PEDESTRIAN PROMENADE

SEMI-PUBLIC PLAZA

NEW 3 STORY WOOD FRAMED
COMMERCIAL AND RESIDENTIAL
MIXED-USE BUILDING

IMPROVING

EMERSON'S TREE DEVELOP

NEW 4 STORY BUILDING

EXISTING 1 STORY
BUILDING

EXISTING 2 STORY
BUILDING

ZONING AND PERMIT BRANCH
 THIS PLAN IS SUBMITTED FOR APPROVAL IN
 CONNECTION WITH: DAV 27085M 2025B
 SHEET # 2 OF 8
 DATE: Dec. 22, 2025

B FOR COORDINATION 2025-09-29
 A FOR DEVELOPMENT PERMIT 2025-09-26

DRAWN BY 90
 PLOT DATE 2025-02-20

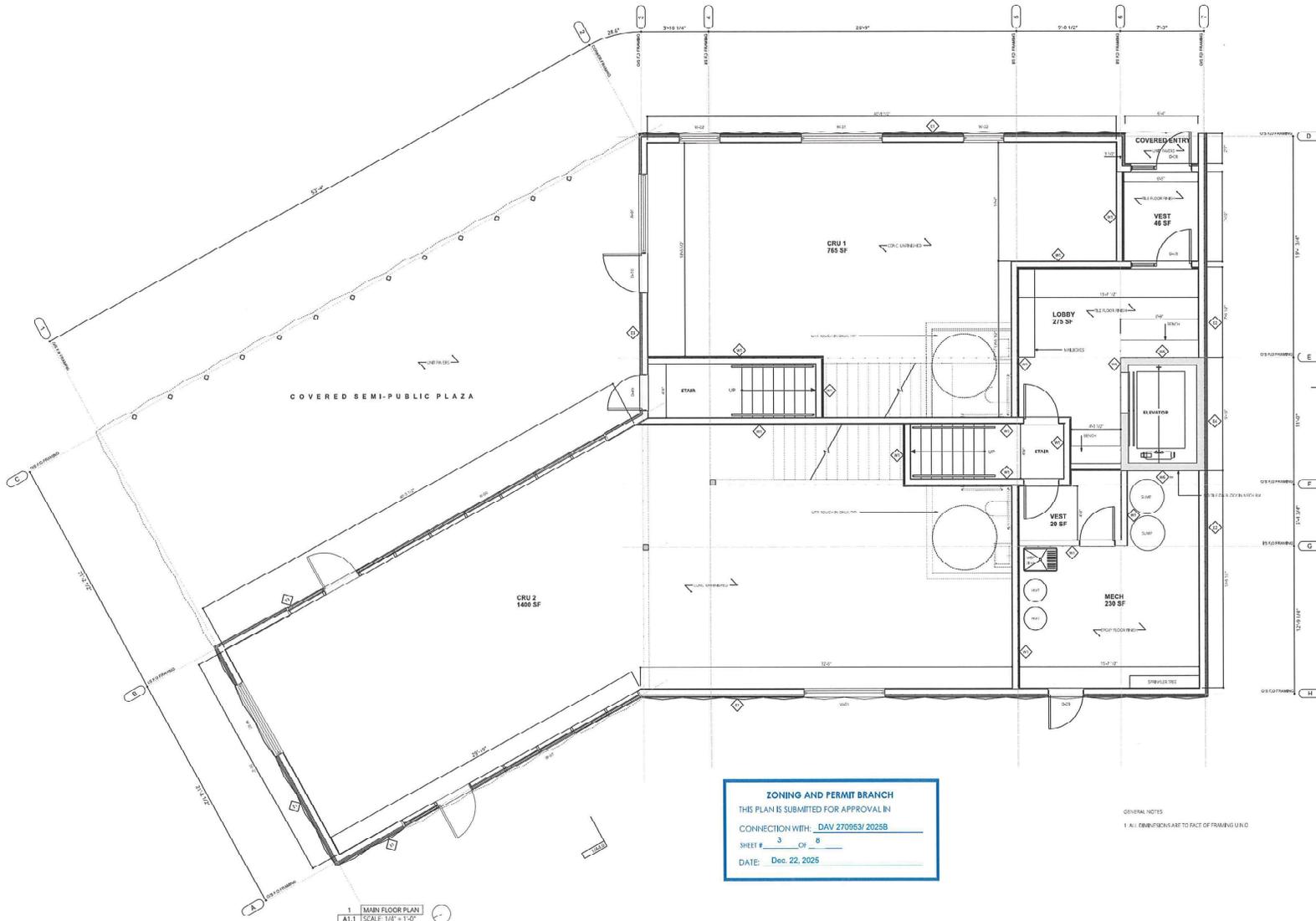
2 LANDSCAPING PLAN
 A06 SCALE: 1/100

ISSUED FOR COORDINATION

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atlr3
 ARCHITECTURE INC
 220 FREDERICK STREET
 WINNEPEG, MB
 R4S 0L5
 LANDSCAPE PLAN

A0.6



ZONING AND PERMIT BRANCH
 THIS PLAN IS SUBMITTED FOR APPROVAL IN
 CONNECTION WITH: DAV 270953/ 2025B
 SHEET # 3 OF 8
 DATE: Dec. 22, 2025

1 MAIN FLOOR PLAN
 A1.1 SCALE 1/4" = 1'-0"

GENERAL NOTES
 1. ALL DIMENSIONS ARE TO FACE OF FRAMING UNLESS NOTED OTHERWISE.

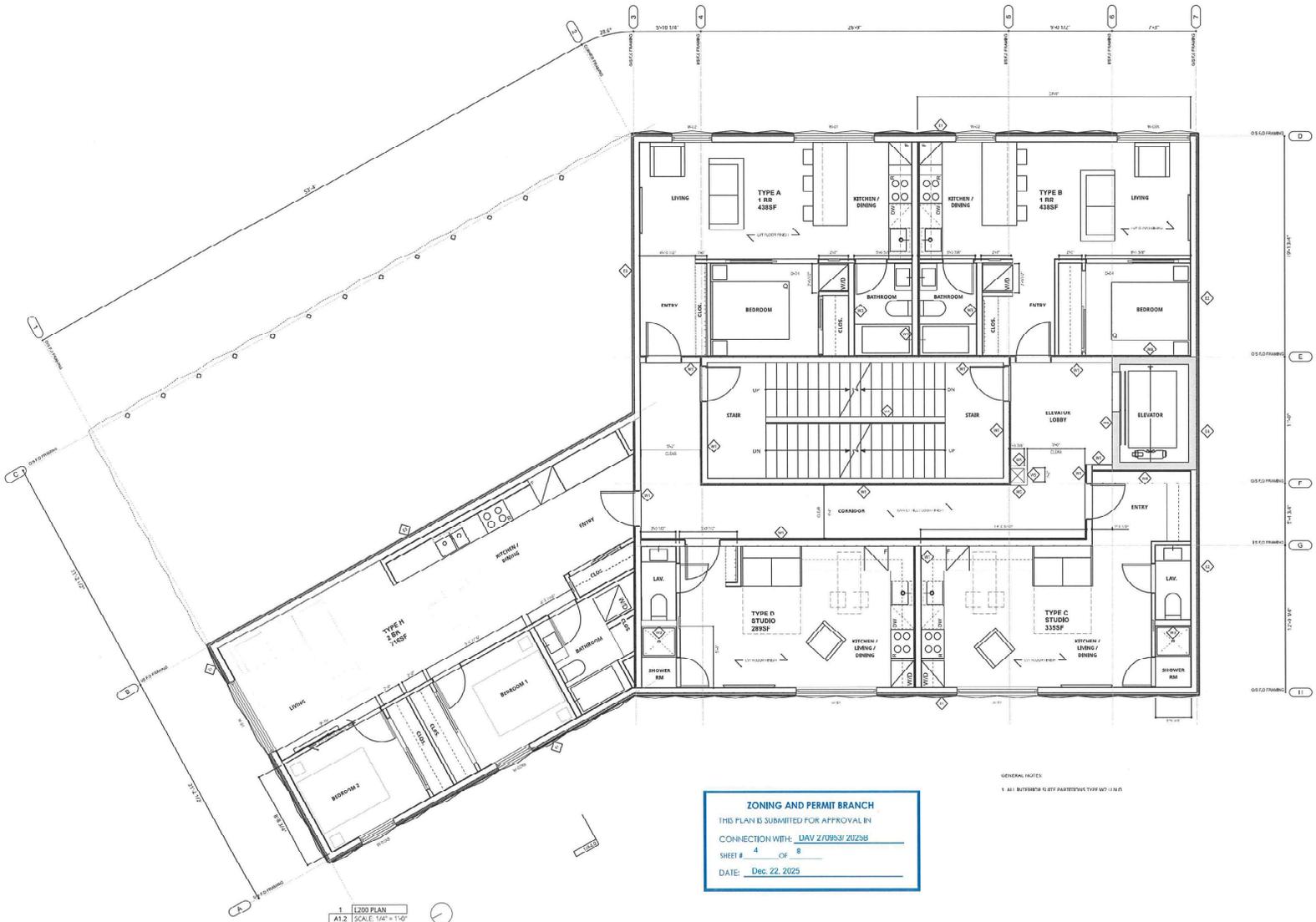
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A FOR DEVELOPMENT PERMIT 2025-09-26
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 PLOT DATE: 2025.09.26

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 220 BLDG. H
 WINDYBUSH THE COMMONS
 WINDYBUSH, MA 02091
 MAIN FLOOR PLAN



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 THIS PLAN IS SUBMITTED FOR APPROVAL IN
 CONNECTION WITH: DAV 270953/ 2022B
 SHEET # 4 OF 8
 DATE: Dec. 22, 2025

1 L200 PLAN
 A1.2 SCALE: 1/4" = 1'-0"

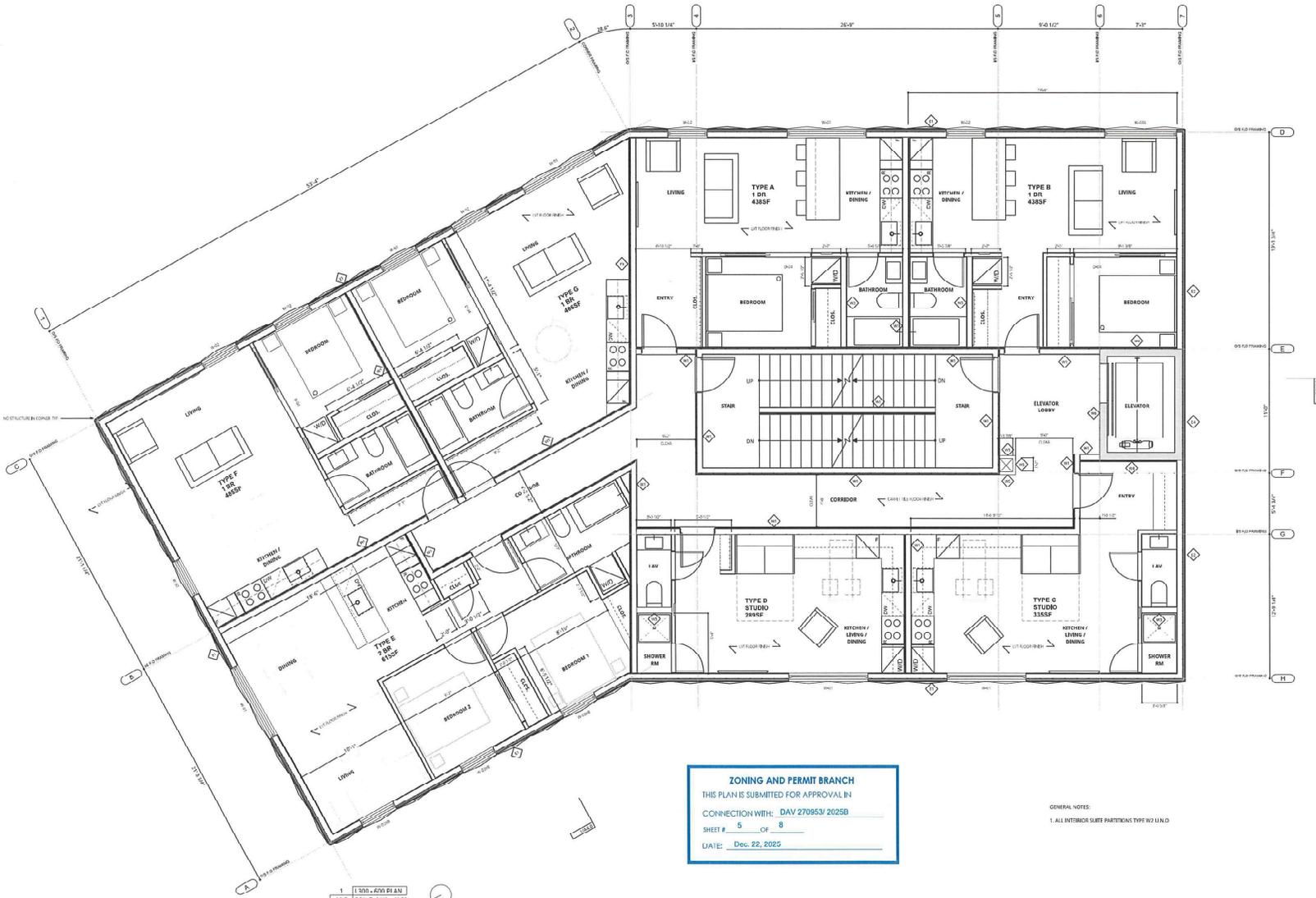
GENERAL NOTES
 1. ALL BUILDINGS TO BE PARTITIONED TYPE III PER IBC

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A FOR DEVELOPMENT PERMIT 2025-06-24
 DRAWN BY: SB
 IN CHARGE: 2025-05-16

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 CONNECTION WITH: DAV 270953/ 2025D
 SHEET # 5 OF 8
 DATE: Dec. 22, 2025

1 1/8" = 1'-0" AS SHOWN
 A1.3 SCALE: 1/4" = 1'-0"

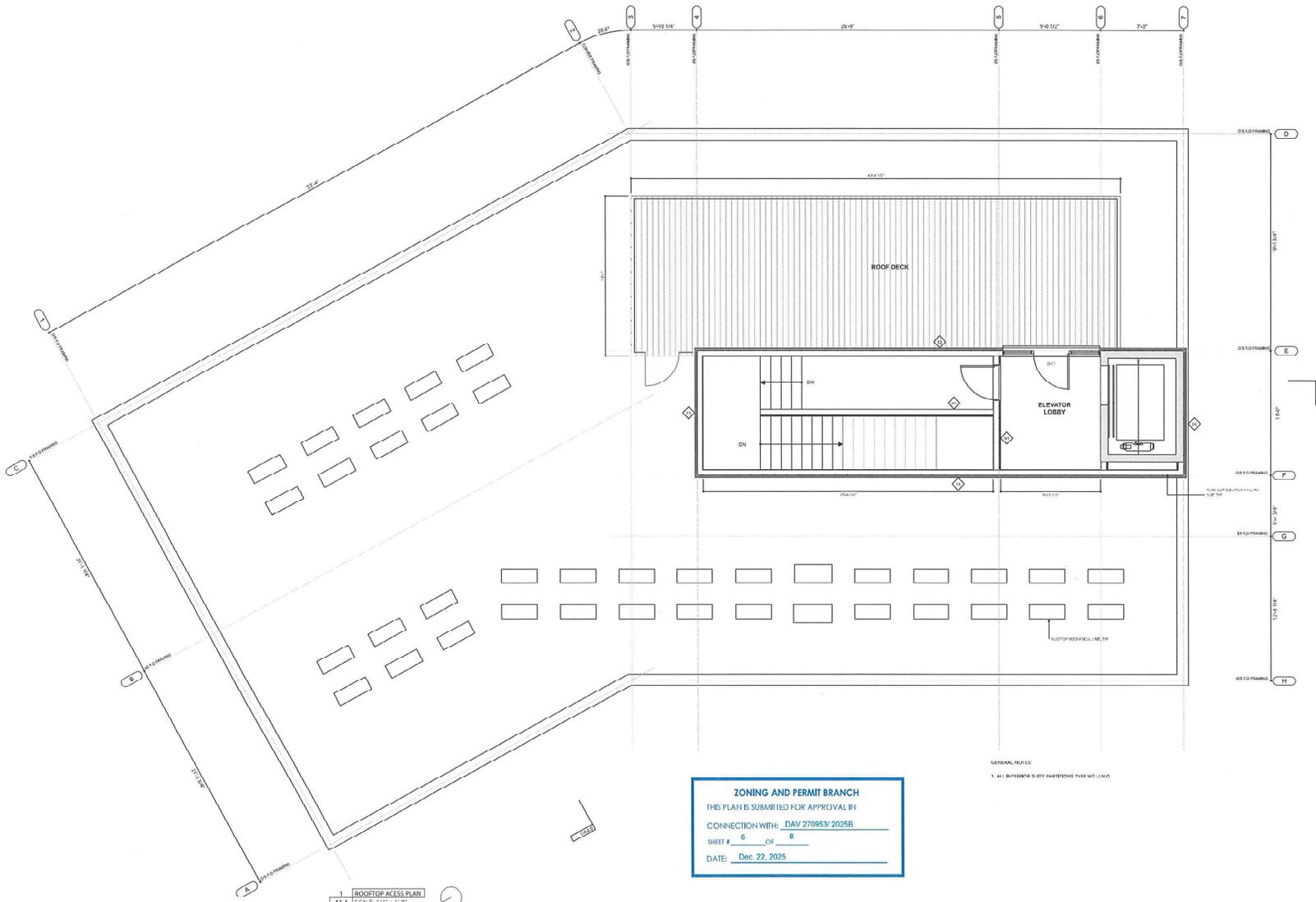
GENERAL NOTES:
 1. ALL INTERIOR PARTITIONS TYPE W/ LIND

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A FOR DEVELOPMENT PERMIT SUBMITTER
 DRAWN BY: BB
 PLOTT DATE: 2025.09.26

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 SHEET # 6 OF 8
 DATE: Dec 22, 2025

1 ROOFTOP ACCESS PLAN
 A1.4 SCALE: 1/4" = 1'-0"

GENERAL NOTES:
 1. ALL DIMENSIONS UNLESS OTHERWISE NOTED

FOR DEVELOPMENT PERMIT 2025-00-26
 DRAWN BY: BB
 PLOT DATE: 2025.02.28

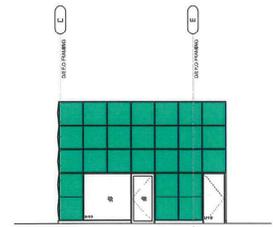
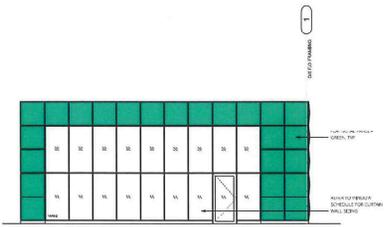
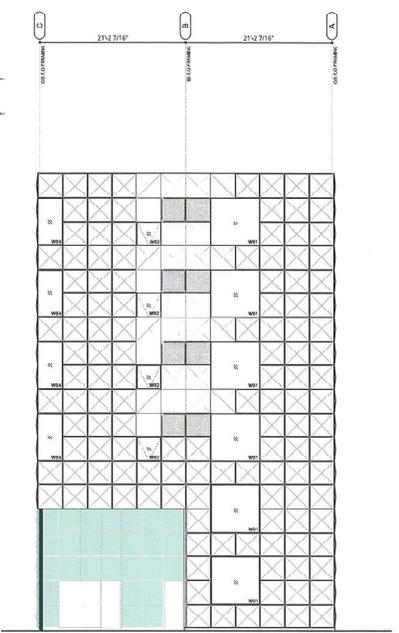
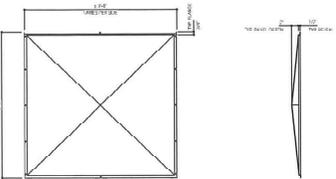
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 ROOFTOP PENTHOUSE PLAN

LEGEND

-  PERFORATED PYRAMIDAL METAL PANEL - WHITE
-  PYRAMIDAL METAL PANEL - WHITE
-  FLAT METAL PANEL - WHITE
-  PERFORATED FLAT METAL PANEL - WHITE
-  FLAT METAL PANEL - GREEN
-  GLASS



GENERAL NOTES:
01 REFER TO WINDOW / DOOR SCHEDULE FOR WINDOW / DOOR SETS

ZONING AND PERMIT BRANCH
THIS PLAN IS SUBMITTED FOR APPROVAL IN
CONNECTION WITH: DAY 270950/ 2022CB
SHEET # 7 OF 8
DATE: Dec. 22, 2022

A FOR DEVELOPMENT PERMIT 2022-04-08
DRAWN BY: 93
PLOT DATE: 2022-09-28

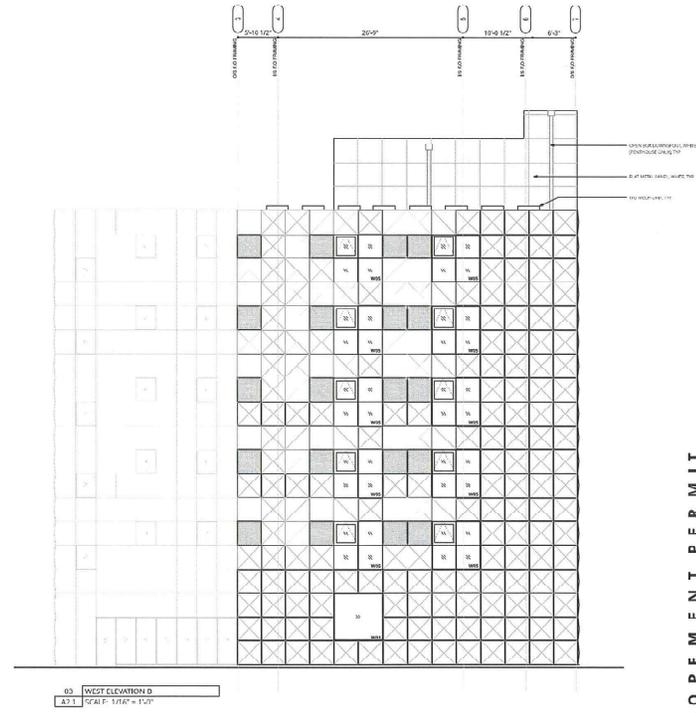
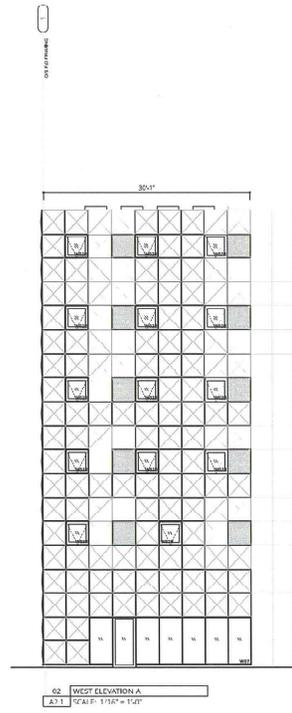
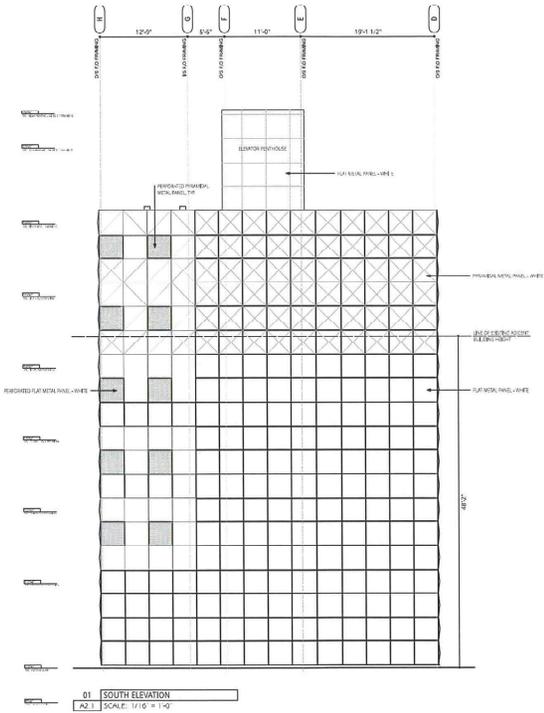
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A3.0

LEGEND

-  PERFORATED PYRAMIDAL METAL PANEL - WHITE
-  PYRAMIDAL METAL PANEL - WHITE
-  FLAT METAL PANEL - WHITE
-  PERFORATED FLAT METAL PANEL - WHITE
-  FLAT METAL PANEL - GREEN
-  G.I. ASS



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 THIS PLAN IS SUBMITTED FOR APPROVAL IN
 CONNECTION WITH: DAV 270953/ 2025B
 SHEET # 8 OF 8
 DATE: Dec. 22, 2025

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FOR DEVELOPMENT PERMIT 2406 00 24
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 PLOT DATE: 2025.09.24

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 WILMINGTON, MS