

## **Downtown Variance (DAV “B”) Downtown Conditional Use (DCU “B”) Application Form**

### **What is a variance?**

A variance is a request to modify the dimensional standards or requirements of the Zoning By-law that apply to a specific property. This may include yards/ building setbacks, height requirements, and/or lot coverage. When these requirements cannot be met due to unique circumstances related to a property, a variance is an option to ensure that a property owner is not deprived of normal rights to use their property. A variance allows an exemption to one of more of the zoning requirements under certain circumstances, but it does not change the zoning designation of the property.

### **What is a conditional use?**

A conditional use means a building or land use that may be unique in its characteristics or operation, which could have an impact on adjoining properties. A conditional use is a use of land listed as “conditional” under the use tables in the Zoning By-law.

### **How long does the variance or conditional use process take?**

The length of time to process depends on the complexity of the application proposal and the completeness of the required documentation and information (refer to the checklist under “Application submission requirements”). In general, the process takes approximately six to eight weeks from the date of the application submission to complete. Complicated applications may take longer. A Draft / Pre-Application may be required and must be submitted if requested. For further information, please visit ➔ [development application process](#).

### **What happens during the variance or conditional use process?**

Once the application is submitted to a Zoning Development Officer and the applicable fees have been paid, the file is circulated to the downtown Area Planner. The Planner will review the application and prepare a report to support the variance or conditional use with conditions, request for changes in order to approve the variance or conditional use, or reject the variance or conditional use altogether.

The criteria to approve a variance or conditional use application are based on subsection 247(3) of *The City of Winnipeg Charter* which includes the following:

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

In the letter of intent, please explain how each criterion is met. This is an opportunity to address all issues and reduce the possibility of an important factor being overlooked.

If the downtown Area Planner approves the variance or conditional use, the variance clerk will create the public notices and contact the applicant to pick up the notices from the Zoning and Permits office. The applicant must post the notices on the subject property for a period of 14 days in a visible location facing the street(s) and/or lane(s). The applicant is responsible for maintaining the notices during the required 14-day posting period (as per Subsection 118 of *The City of Winnipeg Charter*). The public notices inform the neighbourhood of the purpose of the variance or conditional use and any conditions that are deemed necessary for approval.

Should the notices be removed or damaged during the posting period, the applicant must contact the Zoning and Permits office for replacement notices.

### What happens if the downtown Area Planner supports the variance or conditional use, but the application is appealed by neighbours?

- Any neighbouring property owner(s) who oppose the variance or conditional use granted by the order may appeal the decision by submitting a written notice to the City Clerk's Department prior to the end of the 14-day posting period as specified on the public notice.
- The applicant shall be notified by registered mail of any appeals.
- If there are appeals, the property is posted for a second 14-day period informing the neighbourhood of the appeal hearing date. The matter is heard before the Standing Policy Committee on Property and Development, Heritage and Downtown Development (SPC) at City Hall, 510 Main Street.
- The SPC may **dismiss the appeal** (allow the original variance or conditional use order to be confirmed), **grant the appeal** (dismiss the original order), or **allow the appeal in part** placing conditions on an Appeal Order.
- If the original order is **dismissed** (the variance or conditional use is **rejected**), the applicant cannot re-apply for the same variance or conditional use within one year from the date of the Appeal Order and a building or development permit cannot be issued for the proposed work.

### What happens if the downtown Area Planner rejects the variance or conditional use, but the application is appealed by the applicant?

- If the Director of Planning Property and Development (or designate) **rejects** the variance or conditional use application, the applicant shall be notified of the decision by registered mail.
- The applicant may appeal the rejected order by submitting a written notice to the City Clerk's Department prior to the conclusion of the appeal period as specified on the variance or conditional use order.
- The subject property is posted for a 14-day period informing the neighbourhood of the appeal and hearing date. The matter is heard before the Standing Policy Committee on Property and Development, Heritage and Downtown Development (SPC) at City Hall, 510 Main Street.
- The SPC may **dismiss the appeal** (allow the rejected order to be confirmed) or **grant the appeal** (i.e. dismiss the rejected order).
- If the **appeal is dismissed** (the variance or conditional use is **rejected**), the applicant cannot re-apply for the same variance or conditional use within one year from the date of the Appeal Order and a building or development permit cannot be issued for the proposed work.

## How to reach us:

<p><b>Address:</b> Zoning and Permits Unit 31- 30 Fort St. Winnipeg, MB R3C 4X7</p> <p><b>Phone:</b> 204-986-5140</p> <p><b>Email:</b> <a href="mailto:ppd-zdo@winnipeg.ca">ppd-zdo@winnipeg.ca</a></p>	<p><b>Hours of operation:</b> Tuesday to Friday 8:30 a.m. to 4:30 p.m. Please note the office is closed to customers on Mondays. However, staff are available for telephone and email inquiries, and completed applications may be dropped off in-person.</p>
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## How to apply:

### By appointment (recommended option):

We recommend arranging an appointment with a Zoning Development Officer to discuss your application. To schedule a meeting, please call Permits Direct Line at 204-986-5140 or email [ppd-permitappointments@winnipeg.ca](mailto:ppd-permitappointments@winnipeg.ca).

### By mail, courier or drop off:

You can mail, courier or drop off your application package to Zoning and Permits (Unit 31 – 30 Fort Street, Winnipeg, MB, R3C 4X7). Free customer parking is located in the surface parking lot off Assiniboine Avenue at Garry Street and designated customer parking stalls are available (see [Customer Parking map](#)). Please register your vehicle license number with the front desk clerk at the Zoning and Permits office.

### By email:

You can submit digital copies of your application documents to [ppd-zdo@winnipeg.ca](mailto:ppd-zdo@winnipeg.ca). Please note that the Zoning Development Officer will request paper copies in order to process the application.

Before you submit your application, please ensure that you contact the Area/District Planner to confirm whether they will support your proposal. Please view the planning assignments map at [winnipeg.ca/PlanningAssignments](http://winnipeg.ca/PlanningAssignments) to determine the Planner for your area.

## Fees:

Please refer to the [Planning, Development and Building Fees and Charges](#) schedule for more information about fees referenced in this document. Fees will be assessed at the time of application.

### Change of Use, Density and Demolition Variances

- Temporary Use and/or Density
- Request to Demolish a Single-Family, Two-Family, or Multi-Family Dwelling without a Building Permit to Replace the Demolished Residence

### Other Residential (multi-family dwelling) & Commercial Uses

#### Conditional Use Fees

- Conditional Use Application Fee
- Conditional Use Post Use Application Fee (established without an approved permit)

#### Variance Fees

Before Construction or Post-Construction (work without an approved permit)

- 1st Variance
- Each Additional Variance (same lot)

**Single-Family or Two-Family Dwellings**

**Conditional Use Fees**

- Conditional Use Application Fee
- Conditional Use Post Use Application Fee (established without an approved permit)

**Variance Fees: New Single-Family or Two-Family Dwellings (New Construction or Additions)**

Before Construction or Post-Construction (work without an approved permit)

- 1st Variance
- Each Additional Variance (same lot)

**Variance Fees: Accessory Structures**

Before Construction or Post-Construction (work without an approved permit)

- 1st Variance
- Each Additional Variance (same lot)

Payments can be made in-person, by mail or by calling Permits Direct line at 204-986-5140 and following the prompts to speak to the cashier. Please note that individual invoices of more than \$10,000 must be paid by cheque or bank draft, which can be made payable to the “City of Winnipeg”.

**Application fees must be paid before the application can be circulated to City departments for review. Please refer to the checklists under “Application Submission Requirements” to ensure you have supplied the required documentation and plans in order to avoid delays in processing.**

## Application Submission Requirements

Date: \_\_\_\_\_

### Address Information:

Project Address	Street Number:	Street Name:	
Legal Description	Lot Number:	Block Number:	Plan Number:

### Applicant Information:

Applicant Information	Applicant Name: (print)		
	Mailing Address:	City & Province:	Postal Code:
	Daytime Phone Number:	Email Address:	

### Notes about the Checklists of Items:

- Items indicated "may be required" are items that may be requested by the City of Winnipeg as part of the review of the development application. These items may be requested at the time the application is submitted or after the application has been circulated to the other City departments.
- Items indicated "if applicable" are items that will be required if they apply to the context of the proposed development application.
- Please organize your submission to ensure that each individual set contains one copy of each required document. For example, the first set should contain one copy of the status of title, letters and plans, the second set should also contain one copy of the status of title, letters and plans, and so on.

Your personal information is being collected consistent with the requirements and limitations set out under *The Freedom of Information and Protection of Privacy Act (FIPPA)*. This collection of personal information is authorized by section 36(1)(b) of The FIPPA for the administration of *Downtown Winnipeg Zoning By-law No. 100/2004*. Your information is protected by FIPPA's privacy provisions and will not be used or disclosed for any other purpose, except as authorized by law. Contact the City of Winnipeg's Corporate Access and Privacy Officer by mail (City Clerk's Department, Susan A. Thompson Building, 510 Main Street, Winnipeg MB, R3B 1B9) or by telephone (311) if you have questions about this collection of your personal information.

## Checklist of Required Items

Key Documents		
Number of Copies Required	Type of Document	Explanations & Notes
1	Current Status of Title	A Status of Title is a document that identifies property ownership and is available from the Winnipeg Land Titles Office. The copy provided must be dated within three months of the application date to verify current ownership, etc. For further information, please visit <a href="#">Teranet Manitoba</a>
1	City of Winnipeg caveats (if applicable)	Listed on the status of title as active instruments. Available from the Winnipeg Land Titles Office. For further information, please visit <a href="#">Teranet Manitoba</a>
1	Letter of Intent (including project vision, use(s), project statistics, number of employees, hours of operation, etc.)	This letter should provide a description of the proposal, planning rationale such as how the proposal addresses Council policy, how it is compatible with its surrounding context, and a description of proposed measures to mitigate expected on- and off-site impacts. This letter should also provide a development summary, such as total gross land area, proposed area (in acres) of each land use category and zoning district, anticipated number of lots and units per land use category, proposed use of land and structures, etc.
1	Letter of Authorization	Written authorization by all registered owner(s) of the land whose name(s) appear on the Status of Title. If the owner on the title is a company name or number, the person signing the letter must state the company name or number as shown on the title and that they are authorized to sign for that company. Please see template at the end of this document.
1	Building Location Certificate (if applicable) Maximum size of 11 in. x 17 in.	A Building Location Certificate (also known as a surveyor's certificate) is a document prepared by a Manitoba Land Surveyor illustrating the location of buildings or structures on the land with dimensions. An application may be accepted without a Building Location Certificate for use of vacant land if the applicant can demonstrate that the proposed use is in accordance with the Zoning By-law. Visit the <a href="#">Association of Manitoba Land Surveyors website</a> for more information.  Under certain circumstances, a detailed, well-drawn, fully dimensioned site plan may be substituted at the City's discretion. A Building Location Certificate may be determined to be mandatory in cases where development/construction has started without prior approval or permits.
1	Title Plot (if applicable) Maximum size of 11 in. x 17 in.	When there is more than one title affecting the property, the title numbers are plotted on a map to ensure that all lands described on the titles have been received.

## Checklist of Required Items, continued

Key Documents			
Number of Copies Required	Type of Document	Explanations & Notes	
1	Proposed Phasing (if applicable) Maximum size of 11 in. x 17 in.	Number of phases and anticipated time of completion.	
1	Stormwater Management Report (if applicable)		
Plans of Development			
Number of Copies Required	Type of Document	Explanations & Notes	
1	Site Plan Maximum size of 11 in. x 17 in.	Detailed, fully dimensioned, drawn to scale site plan including the following:	
		<input type="checkbox"/> Project name	<input type="checkbox"/> Proposed use
		<input type="checkbox"/> Municipal address	<input type="checkbox"/> Scale
		<input type="checkbox"/> North arrow	<input type="checkbox"/> Dimensioned property lines
		<input type="checkbox"/> Land parcel area (if applicable)	<input type="checkbox"/> Streets labeled
		<input type="checkbox"/> <a href="#">Pedestrian connections</a> (if applicable)	<input type="checkbox"/> Exterior lighting
		<input type="checkbox"/> Dimensioned setbacks	<input type="checkbox"/> Floodway and flood fringe levels (if applicable)
		<input type="checkbox"/> Existing and proposed structures (number, location and height - if applicable)	<input type="checkbox"/> Features adjacent to parcel (City streets, sidewalks, curb cuts, median breaks - if applicable)
		<input type="checkbox"/> Boundary survey (total acreage, zoning, date, north arrow and vicinity map - if applicable)	<input type="checkbox"/> Easements and utility rights of way (depth, width, location, type and registration number - if applicable)
		<input type="checkbox"/> Vehicular circulation (parking spaces, drive aisles, driveways, accessible parking, ingress / egress, loading etc.)	<input type="checkbox"/> Nearby transit stops (if applicable)
		<input type="checkbox"/> Screening or treatment of any natural features	<input type="checkbox"/> Garbage enclosures (if applicable)
		<input type="checkbox"/> Proposed buffers or landscaped yards	<input type="checkbox"/> Free standing and accessible parking signs (if applicable)
		<input type="checkbox"/> Mechanical equipment (if applicable)	<input type="checkbox"/> Bicycle parking (if applicable)



## Checklist of Required Items, continued

Plans of Development					
Number of Copies Required	Type of Document	Explanations & Notes			
1	Floor Plans (if applicable) Maximum size of 11 in. x 17 in.	Detailed, fully dimensioned, drawn to scale floor plans showing the interior layout of the building including labels and dimensions of all rooms.			
1	Building Elevations (if applicable) Maximum size of 11 in. x 17 in.	Detailed, fully dimensioned, drawn to scale building elevations outlining the exterior appearance of the building. Learn more about <a href="#">building elevation</a> requirements.			
1	Colour Renderings (if applicable) Maximum size of 11 in. x 17 in.	Learn more about <a href="#">colour renderings</a> requirements.			
1	Landscaping Plan (if applicable) Maximum size of 11 in. x 17 in.	Detailed, fully dimensioned, drawn to scale landscape plan including the following:			
		<input type="checkbox"/>	plant list (number, size and species)	<input type="checkbox"/>	open space
		<input type="checkbox"/>	planting to be removed or kept (number, size and species)	<input type="checkbox"/>	ground cover
		<input type="checkbox"/>	new planting (number, location and species)	<input type="checkbox"/>	screening
		<input type="checkbox"/>	fencing		

## Checklist of Items that may be required

Number of Copies Required	Type of Document	Explanations & Notes
2	Pre-Application (if applicable)	A Pre-Application may be required and must be submitted, if requested. For further information, please visit <a href="#">➡ Subdivisions, Rezoning and the Development Application Process</a> .
1	Letter of Support (if applicable)	Written support or signatures of support from adjoining property owners who may be adversely affected by the proposed development. Please see template at the end of this document.
1	Plan of Subdivision Maximum size of 11 in. x 17 in.	Plan outlining the dimensions and labels of the parcels or lots that are being created or amalgamated. Information on the existing and/or proposed zoning district(s) should be included.
1	Digital Graphic	Learn more about <a href="#">➡ digital graphic requirements</a> .

<b>Planning and Design</b> (if applicable) Maximum size of 11 in. x 17 in.	
<input type="checkbox"/>	<a href="#">➡ Parking Study</a>
<input type="checkbox"/>	<a href="#">➡ Sun / Shadow Study</a>
<input type="checkbox"/>	<a href="#">➡ Street Level Visualization of Proposed Development</a>
<input type="checkbox"/>	<a href="#">➡ Public Consultation Program</a>
<input type="checkbox"/>	<a href="#">➡ Arborist Report</a>
<input type="checkbox"/>	Context Photos
<input type="checkbox"/>	Financial Impact Assessment
<input type="checkbox"/>	Cultural Heritage Impact Statement (Historical Resources)
<input type="checkbox"/>	Commercial Land Supply Study
<input type="checkbox"/>	Employment Land Supply Study
<input type="checkbox"/>	Residential Land Supply Study
<input type="checkbox"/>	Archeological Resource Assessment

<b>Engineering Studies</b> (if applicable) Maximum size of 11 in. x 17 in.	
<input type="checkbox"/>	Community Transportation Study and / or Transportation Impact Study
<input type="checkbox"/>	Assessment of Adequacy of Public Services / Site Servicing Study
<input type="checkbox"/>	Servicing Options Report
<input type="checkbox"/>	Geotechnical Study / Slope Stability Study
<input type="checkbox"/>	Groundwater Impact Study
<input type="checkbox"/>	Wind Study
<input type="checkbox"/>	Photometric Plans
<input type="checkbox"/>	<a href="#">➡ Noise / Vibration Study</a>
<input type="checkbox"/>	Parking Functionality Analysis (Vehicle Access Checks, Clearances, Swept Path Analysis - e.g. Auto Turn)
<input type="checkbox"/>	
<input type="checkbox"/>	
<input type="checkbox"/>	

## Letter of Authorization

Registered owner(s) of the property whose name(s) appear on the title.

Date: \_\_\_\_\_

To: The City of Winnipeg  
Planning, Property & Development Department  
Zoning and Permits  
31 – 30 Fort Street  
Winnipeg, Manitoba R3C 4X7

RE: \_\_\_\_\_ (address or legal description of application)

I (we) hereby give authorization to:

\_\_\_\_\_ (Applicant's name)

To apply for a development application for the above address.

Registered owner(s) on the current Status of Title or Certificate of Title:

\_\_\_\_\_  
Please print name and company name (if applicable)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Please print name and company name (if applicable)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Please print name and company name (if applicable)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Please print name and company name (if applicable)

\_\_\_\_\_  
Signature

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## Request for Support of a Zoning Variance or Conditional Use

Signatures of support from adjoining impacted neighbours.

Date: \_\_\_\_\_

To: The City of Winnipeg  
Planning, Property and Development Department  
Zoning and Permits  
31 – 30 Fort Street  
Winnipeg, Manitoba R3C 4X7

RE: \_\_\_\_\_ (address or legal description of application)

I consulted with my neighbours on my request for relief on the following zoning restriction(s) at the above referenced premises.

Please provide a brief description of the variance or conditional use in the space provided below.

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The following neighbours support/do not oppose my request for a Zoning Variance or Conditional Use:

Name	Address	Daytime Phone Number	Signature(s)

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