



## DAV/DCU - Variance & Conditional Use (Downtown Winnipeg By-Law No. 100/04)

Revised January 2012

### What is a Zoning Variance or Conditional Use?

**Variance** is a way to make sure that a property owner is not deprived of normal rights to use his or her property. This could occur when the requirements of the Zoning By-Law cannot be met due to unique circumstances related to a property. A variance can be approved to allow a modification to development standards such as building setbacks, height restrictions and lot coverage.

**Conditional Use** means a use of a building or land that may be unique in its characteristics or operation, which could have an impact on adjoining properties. In accordance with the City of Winnipeg Charter, a Conditional Use is a use of land listed as "Conditional" within the use table of a zoning district.

### DOCUMENTATION AND FEE REQUIREMENTS

The documents required are as follows:

- **Current status of Title(s)**, available from the Winnipeg Land Titles Office, 276 Portage Ave. at Smith St.
- **1 copy of any City of Winnipeg Caveats** listed on the Status of Title (if applicable)
- **Letter of Authorization** from the registered owner(s) of the land whose name(s) appear on the title.
- **Current Surveyor's Building Location Certificate**, prepared by a Manitoba Land Surveyor.
- **Plans of Development**, including a detailed proposed site plan with dimension, floor plan(s), and building elevations with dimensions (if applicable). **Maximum Size 11" x 17"**.
- **Letter of intent** describing the scope of the proposed development including the reason for the request.
- **Types of application and applicable fees** (including 10% reduction for Downtown development\*):

**Conditional Use & Change of Use Variance** (non-residential, inc. multiple family):

\$1,119.00 (fee) - \$111.90 (10% Downtown Reduction) = \$1,007.10 + \$50.36 (GST) = \$1,057.46

**Non-Residential Variance** (inc. multiple family):

\$777.00 (fee 1st item) - \$77.70 (10% Downtown Reduction) = \$699.30 + 34.97 (GST) = \$734.27

\$153.25 (fee per each additional item) - \$15.33 (10% Downtown Reduction) = \$137.92 + \$6.90 (GST) = \$144.82

**Residential Variance** (single or two family):

\$389.00 (fee 1st item) - \$38.90 (10% Downtown Reduction) = \$350.10 + \$17.51 (GST) = \$367.61

\$40.35 (fee per each additional item) - \$4.04 (10% Downtown Reduction) = \$36.31 + \$1.82 (GST) =

\$38.13

*(All fees are subject to change)*

### What Are The Rules Governing Variances?

To approve a variance, the decision maker is required to conclude the criteria listed below are met. When you submit your application, you should include a written explanation on how you think each criterion is met. This is your chance to make your case. By addressing these thoroughly, you can reduce the possibility of an important factor being overlooked. A variance application may be approved or approved subject to conditions provided that the variance requested is consistent with the following criteria as prescribed under the City of Winnipeg Charter Act:

- Consistent with Plan Winnipeg and any applicable secondary plan;
- Is there a negative impact on neighbours / neighbourhood;

- Is the application consistent with Plan Winnipeg and Secondary Plans;
- Is the variance a minimum modification to the Zoning By-Law to relieve injurious affect;
- Is the application compatible with the area?

The decision maker may place conditions upon a variance approval, which are deemed necessary to ensure these criteria are met.

### **APPLICATION APPROVED**

- A.** A variance/conditional use application may be approved or approved subject to conditions provided that the variance requested is consistent with the following criteria as prescribed under the City of Winnipeg Charter Act:
- (a) 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.

### **APPLICATION APPEALED (Appeal by others)**

- B.** The applicant shall be notified by registered mail should the decision be appealed. Those in opposition to the application may appeal the decision by submitting a written notice of appeal within 14 days of issuance of the variance order. The property is posted for a second period of fourteen (14) days for a hearing of the Appeal Committee at City Hall, 510 Main Street. If the **APPEAL IS REJECTED**, the decision on the original order is confirmed. If the **APPEAL IS GRANTED**, the original variance order is **REJECTED** and the applicant cannot re-apply for the same variance within one (1) year from the date of the order.


### **APPLICATION REJECTED (Appeal by applicant)**

- C.** The applicant may appeal the order by submitting a written notice of appeal within 14 days of issuance of the variance order should the Board of Adjustment or Community Committee reject the application. The property is posted for a second period of fourteen (14) days for a hearing of the Appeal Committee at City Hall, 510 Main Street. If the applicant's **APPEAL IS REJECTED**, the original variance order rejecting the application is confirmed. The applicant cannot re-apply for the same variance within one (1) year from the date of the order.

### **How to reach us / where to apply:**

**Hours of Operation:** Tuesday to Friday 8:30 am to 4:30 pm - Mondays 8:30 am to 4:30 pm are reserved only for telephone inquiries and completed application drop-offs. This enables Zoning and Permits staff to process building and development applications received throughout the week.

### **Location**

All Zoning, Permits and Plan Examination services available Unit 31 – 30 Fort Street [Location Map](#)  (pdf, 103kb)  
Free customer parking is located in the City of Winnipeg lot on the south side of Assiniboine Avenue between Garry Street and Navy Way and designated customer parking stalls are available. Please register your vehicle license number with the receptionist at the Zoning and Permits office.

# Letter of Authorization

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

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

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

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Please print name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Please print name

\_\_\_\_\_  
Signature

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Please print name

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Signature