



## DCU - Conditional Use (Home Based Business)

Revised January 1, 2011 (The Planning, Development & Building Fees By-law No. 77/09)

### HOME-BASED BUSINESS

The zoning by-law regulates home-based businesses by ensuring the character of a residential area is not impacted by noise, traffic or other nuisances associated with a commercial enterprise.

A home-based business may be a full-time, part-time or even an occasional venture. Generally, if your business mail comes to your home and or administrative duties are conducted from your home, you will require a Home Occupation Permit and a License in-lieu of Business Tax.

Many types of home-based businesses such as office facilities are permitted under the zoning by-law with the issuance of a Home Occupation Permit and a License in-lieu of Business Tax prior to establishing.

Home-based businesses that provide a personal service on the premises such as a beauty salon, pet grooming or repair service and the like, require Conditional Use approval from the Director of Planning, Property and Development, in addition to the Home Occupation Permit and License in-lieu of Business Tax prior to establishing.

In all cases, employees, other than those living in the dwelling, are **not permitted**.

### DOCUMENTATION AND FEE REQUIREMENTS

The documents required are as follows:

- **Current status of Title(s)** – Document is available from the Winnipeg Land Titles Office, 276 Portage Ave. at Smith St.
- **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 or a well drawn site plan.
- **Development Plan(s)** – Detailed floor plan(s) of the residence where the business is to be conducted, fully dimensioned with all rooms labeled, especially the proposed work area(s).  
**Maximum Size 11" x 17"**.
- **Letter(s) of Support** from the neighbour(s) immediately affected by the proposed development or use are recommended, but may not necessary under certain circumstances.
- **Letter of Intent** - A written statement describing the proposed home business, hours of operation, etc.
- **Conditional Use Application Fee:** \$386.00 (fee) + \$19.30 (GST) = **\$405.30**  
(All fees are subject to change.)

### What Are The Rules Governing Conditional Uses?

To approve a conditional use, 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 conditional use application may be: approved, approved subject to conditions or rejected provided that the variance requested is consistent with the following criteria as prescribed under the City of Winnipeg Charter Act:

- 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 an approval, which are deemed necessary to ensure these criteria are met.

### **APPLICATION APPROVED**

- A. A 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 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 at [Unit 31 – 30 Fort Street](#)  (103kb).

# 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

\_\_\_\_\_  
Please Print Name

\_\_\_\_\_  
Signature