

Downtown Variance (DAV "B") Downtown Conditional Use (DCU "B") Application Form

Use this application if a project in downtown Winnipeg needs a variance or includes a conditional use listed under the Winnipeg Downtown Zoning By-law.

When site conditions make it hard to meet the standard requirements, a variance allows changes to zoning rules. This includes building height, setbacks, and lot coverage.

A conditional use is a land use that may have unique impacts and needs extra review.

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. For further information, please visit <u>development application process</u>.

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 14day 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 (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 (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:

Address: Zoning & Permits

Unit 31-30 Fort St. Winnipeg, MB R3C 4X7

Phone: 204-986-5140

Email: Questions: ppd-zdo@winnipeg.ca

Applications: ppd-zoningapplications@winnipeg.ca

Hours of operation: 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.

Before applying:

- 1. We recommend arranging an appointment with a Zoning Development Officer to discuss your upcoming application. To schedule a meeting, please call Permits Direct Line at 204-986-5140 or email ppd-permitappointments@winnipeg.ca.
- 2. Contact the Area/District Planner to confirm whether they will support your proposal. Please view the planning assignments map at <u>winnipeg.ca/PlanningAssignments</u> to determine the Planner for your area.
- 3. Contact the Water and Waste department to request a <u>capacity assessment</u> for the water, sewer, and land drainage systems for the proposed development.

How to apply:

Permits Online (recommended option):

Apply online at winnipeg.ca/permitsonline.

By email:

You can submit digital copies of your application documents to ppd-zoningapplications@winnipeg.ca.

By mail, courier or drop off:

If you're unable to email your application, you can mail, courier or drop off your application package (maximum size of 11" x 17") 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. Please register your vehicle license number with the front desk clerk at the Zoning and Permits office.

Page **4** of **10**



Fees:

Fees will be assessed at the time of application. Refer to the <u>Planning</u>, <u>Development and Building Fees and Charges</u> schedule for more information.

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 on Permits Online, 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 name: (print)			
Applicant information	Mailing address:	City & province:	Postal code:	
		Email address:		

Document and digital submission requirements: To submit your application via email, provide a separate PDF file, named as indicated, for each of the documents that are applicable to your application.

Required	Documents must be submitted with the initial application package, unless they are not applicable to the context of the proposed development application.
May be required	Documents do not need to be submitted with the initial application package. Once your application is received, you will be notified if any of the "may be required" documents need to be submitted for the application to be deemed complete for processing.





Key documents

Type of document	Explanations & notes
Current status of title	A Status of Title is a document that identifies property ownership and is available from The Winnipeg Land Titles Office. It must be dated within three months of the application to verify current ownership, etc. For more information, visit <u>Teranet Manitoba</u>
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.
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.
City of Winnipeg caveats	Listed on the status of title as active instruments. Available from the Winnipeg Land Titles Office. For more information, visit <u>Teranet Manitoba</u>
Building location	A Building Location Certificate (or 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 show that the proposed use meets the Zoning By-law. Visit the <u>Association of Manitoba Land Surveyors website</u> for more information.
certificate	In some cases, 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.
Title plot	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.
Proposed phasing	Number of phases and anticipated time of completion.
Stormwater management report	



Plans of development

Type of document	Explanations & notes			
	Detailed, fully dimensioned, drawn to scale site plan including the following:			
Site plan	☐ Project name	☐ Land parcel area		
	☐ Municipal address	Pedestrian connections		
	□ North arrow	☐ Existing and proposed structures (number,		
	☐ Proposed use	location and height)		
	□ Scale	☐ ☐ Floodway and flood fringe levels		
	☐ Dimensioned property lines	☐ Features adjacent to parcel (City streets, sidewalks, curb cuts, median breaks)		
	□ Streets labeled	Boundary survey (total acreage, zoning,		
	☐ ☑ Dimensioned setbacks	date, north arrow and vicinity map)		
	□ ☑ Exterior lighting	☐ Easements and utility rights of way (depth,		
	☐ ✓ Vehicular circulation (parking	width, location, type and registration number)		
	spaces, drive aisles, driveways, accessible parking, ingress /	☐		
	egress, loading etc.)	☐ Unearby transit stops		
	☐ Screening or treatment of any	☐ ☐ Garbage enclosures		
	natural features	☐ Free standing and accessible parking signs		
	Proposed buffers or landscaped yards	☐ ! Bicycle parking		
Plan of subdivision	_	ls of the parcels or lots that are being created or ng and/or proposed zoning district(s) should be		
Digital graphic	Learn more about <u>digital graphic require</u>	ements.		
Floor plans	Detailed, fully dimensioned, drawn to so building including labels and dimension	cale floor plans showing the interior layout of the as of all rooms.		
Ţ.		cale building elevations outlining the exterior		
Building elevations	appearance of the building. Learn more	about <u>building elevation</u> requirements.		
Colour renderings	Learn more about <u>colour renderings</u> req	uirements.		
Londononing plan	Detailed, fully dimensioned, drawn to so	cale landscape plan including the following:		
Landscaping plan	☐ Plant list (number, size and speci	Open space		
	Planting to be removed or kept (r	☐ ☐ Ground cover		
New planting (number, location and species)		│ □ │ Screening		
		☐ !! Fencing		
Ţ.	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			
Letter of support	document.	cropment. I lease see template at the end of this		





Planning & design			
Parking study			
<u>Colour renderings</u>			
Sun / shadow study			
Street level visualization of proposed			
development			
Public consultation program			
Arborist report			
Context photos			
Financial impact assessment			
Commercial land supply study			
Cultural heritage impact statement (Historical			
Resources)			
Employment land supply study			
Residential land supply study			
Archeological resource assessment			

Engineering studies
Community transportation study and / or transportation impact study
Stormwater management report
☐ Servicing options report
Assessment of adequacy of public services / site servicing study
Geotechnical study / slope stability study
Groundwater impact study
☐ Wind study
Photometric plans
Noise / vibration study
Parking functionality analysis (vehicle access checks, clearances, swept path analysis - e.g., auto
turn)





Letter of Authorization

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

To:	The City of Winnipeg	Date:
	Planning, Property & Development Department	
	Zoning & Permits	
	31 – 30 Fort St.	
	Winnipeg, Manitoba R3C 4X7	
RE:		(address or legal description of application)
		(uuu.coo o. togut uccep.to o. upp.toution,
L (wa) h	nereby give authorization to:	
i (we) i	leteby give authorization to.	
		/A 1: 11
		_ (Applicant's name)
To app	ly for a development application for the above address	•
Registe	ered owner(s) on the current Status of Title or Certificate	e of Title:
J	()	
Please	e print name and company name (if applicable)	Signature
Please	e print name and company name (if applicable)	Signature
Please	e print name and company name (if applicable)	Signature
Dloos	e print name and company name (if applicable)	Signatura
riease	е ринк наше ани сотпрану наше (п аррисавіе)	Signature





Request for Support of a Zoning Variance or Conditional Use

Signatures of support from adjoining impacted neighbours.

To:	The City of Winnipeg		I	Date:
	Zoning & Permits 31 – 30 Fort St.	Development Department		
	Winnipeg, Manitoba	R3C 4X7		
RE:		(address or	legal description of a	oplication)
l consu premis		rs on my request for relief o	n the following zoning	restriction(s) at the above referenced
Please	provide a brief descrip	tion of the variance or cond	itional use in the space	e provided below.
The fol	llowing neighbours sup	port/do not oppose my requ	uest for a Zoning Varia	nce or Conditional Use:
	Name	Address	Daytime phone number	Signature(s)

We are collecting your personal information to manage and administer your application. *The Freedom of Information and Protection of Privacy Act (FIPPA)* section 36(1)(b) allows us to collect it for this purpose, while FIPPA section 44(1)(a) allows us to disclose it. FIPPA gives you privacy rights, and we do not use or share your personal information for any other purpose unless it is authorized by law or with your consent. Contact the City of Winnipeg Corporate Access and Privacy Officer at <u>FIPPA@winnipeg.ca</u> or dial 311 if you have questions about this collection of your personal information.