

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 or 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 [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 (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 winnipeg.ca/PlanningAssignments to determine the Planner for your area.
3. Contact the Water and Waste department to request a [capacity assessment](#) 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.

Fees:

Fees will be assessed at the time of application. Refer to the [Planning, Development and Building Fees and Charges](#) 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 information	Applicant name: (print)		
	Mailing address:	City & province:	Postal code:
	Daytime phone number:	Email address:	

Applicant declaration



By submitting this application, you:

- ☐ Confirm that you are the copyright holder of the documents in your application and if you are not the copyright holder, you have the right to include the documents in your application.
- ☐ Grant the City of Winnipeg a non-exclusive, non-revocable license to reproduce, in whole or in part, any document submitted as part of your application for internal use, inclusion in staff reports or distribution to the public either online or through other means for the purpose of application review.
- ☐ Understand that development applications may be subject to a public hearing or public meeting in accordance with *The Winnipeg Charter* and applicable City by-laws and certain documents contained in your application may be made available to the public as part of the development application process.
- ☐ Understand and agree the documents provided to the City of Winnipeg are subject to The Freedom of Information and Protection of Privacy Act (Manitoba) (FIPPA) and may be released if required in accordance with FIPPA.
- ☐ Will indemnify and save harmless The City of Winnipeg, its officials, employees, and agents against all claims, liabilities, and expenses of every kind, in respect to anything done or not done pursuant to this application, including negligence and/or the failure to observe all by-laws, acts, or regulations.









Please print name and company name (if applicable)

Signature






































































































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 Teranet Manitoba
 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 Teranet Manitoba
 Building location certificate	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 Association of Manitoba Land Surveyors website for more information. 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		
 Site plan	<p>Detailed, fully dimensioned, drawn to scale site plan including the following:</p> <table border="0"> <tr> <td> <input type="checkbox"/>  Project name <input type="checkbox"/>  Municipal address <input type="checkbox"/>  North arrow <input type="checkbox"/>  Proposed use <input type="checkbox"/>  Scale <input type="checkbox"/>  Dimensioned property lines <input type="checkbox"/>  Streets labeled <input type="checkbox"/>  Dimensioned setbacks <input type="checkbox"/>  Exterior lighting <input type="checkbox"/>  Vehicular circulation (parking spaces, drive aisles, driveways, accessible parking, ingress / egress, loading etc.) <input type="checkbox"/>  Screening or treatment of any natural features <input type="checkbox"/>  Proposed buffers or landscaped yards </td><td> <input type="checkbox"/>  Land parcel area <input type="checkbox"/>  Pedestrian connections <input type="checkbox"/>  Existing and proposed structures (number, location and height) <input type="checkbox"/>  Floodway and flood fringe levels <input type="checkbox"/>  Features adjacent to parcel (City streets, sidewalks, curb cuts, median breaks) <input type="checkbox"/>  Boundary survey (total acreage, zoning, date, north arrow and vicinity map) <input type="checkbox"/>  Easements and utility rights of way (depth, width, location, type and registration number) <input type="checkbox"/>  Mechanical equipment <input type="checkbox"/>  Nearby transit stops <input type="checkbox"/>  Garbage enclosures <input type="checkbox"/>  Free standing and accessible parking signs <input type="checkbox"/>  Bicycle parking </td></tr> </table>	<input type="checkbox"/>  Project name <input type="checkbox"/>  Municipal address <input type="checkbox"/>  North arrow <input type="checkbox"/>  Proposed use <input type="checkbox"/>  Scale <input type="checkbox"/>  Dimensioned property lines <input type="checkbox"/>  Streets labeled <input type="checkbox"/>  Dimensioned setbacks <input type="checkbox"/>  Exterior lighting <input type="checkbox"/>  Vehicular circulation (parking spaces, drive aisles, driveways, accessible parking, ingress / egress, loading etc.) <input type="checkbox"/>  Screening or treatment of any natural features <input type="checkbox"/>  Proposed buffers or landscaped yards	<input type="checkbox"/>  Land parcel area <input type="checkbox"/>  Pedestrian connections <input type="checkbox"/>  Existing and proposed structures (number, location and height) <input type="checkbox"/>  Floodway and flood fringe levels <input type="checkbox"/>  Features adjacent to parcel (City streets, sidewalks, curb cuts, median breaks) <input type="checkbox"/>  Boundary survey (total acreage, zoning, date, north arrow and vicinity map) <input type="checkbox"/>  Easements and utility rights of way (depth, width, location, type and registration number) <input type="checkbox"/>  Mechanical equipment <input type="checkbox"/>  Nearby transit stops <input type="checkbox"/>  Garbage enclosures <input type="checkbox"/>  Free standing and accessible parking signs <input type="checkbox"/>  Bicycle parking
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 Plan of subdivision	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.		
 Digital graphic	Learn more about digital graphic requirements .		
 Floor plans	Detailed, fully dimensioned, drawn to scale floor plans showing the interior layout of the building including labels and dimensions of all rooms.		
 Building elevations	Detailed, fully dimensioned, drawn to scale building elevations outlining the exterior appearance of the building. Learn more about building elevation requirements.		
 Colour renderings	Learn more about colour renderings requirements.		
 Landscaping plan	<p>Detailed, fully dimensioned, drawn to scale landscape plan including the following:</p> <table border="0"> <tr> <td> <input type="checkbox"/>  Plant list (number, size and species) <input type="checkbox"/>  Planting to be removed or kept (number, size and species) <input type="checkbox"/>  New planting (number, location and species) </td><td> <input type="checkbox"/>  Open space <input type="checkbox"/>  Ground cover <input type="checkbox"/>  Screening <input type="checkbox"/>  Fencing </td></tr> </table>	<input type="checkbox"/>  Plant list (number, size and species) <input type="checkbox"/>  Planting to be removed or kept (number, size and species) <input type="checkbox"/>  New planting (number, location and species)	<input type="checkbox"/>  Open space <input type="checkbox"/>  Ground cover <input type="checkbox"/>  Screening <input type="checkbox"/>  Fencing
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 Letter of support	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.		

Planning & design

- ☐  [Parking study](#)
- ☐  [Colour renderings](#)
- ☐  [Sun / shadow study](#)
- ☐  [Street level visualization of proposed development](#)
- ☐  [Public consultation summary](#)
- ☐  [Arborist report](#)
- ☐  Context photos
- ☐  Fiscal impact analysis
- ☐  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
Planning, Property & Development Department
Zoning & Permits
31 – 30 Fort St.
Winnipeg, Manitoba R3C 4X7

Date: _____

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

Request for Support of a Zoning Variance or Conditional Use

Signatures of support from adjoining impacted neighbours.

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

Date: _____

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.

The following neighbours support/do not oppose my request for a Zoning Variance 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 FIPPA@winnipeg.ca or dial 311 if you have questions about this collection of your personal information.