

Variance (DAV "C" or "D") Other Residential & Commercial Uses/Buildings Application Form

Use this application if your project does not meet all zoning rules. You can ask for a variance to allow changes like building closer to a property line, adding height, or changing parking. A variance gives permission to do something that zoning usually does not allow.

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 does not change the zoning designation of the property.

How long does the variance 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 more information, visit <u>development application process</u>.

What happens during the variance process?

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

The criteria to approve a variance 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.

Once the Area Planner approves the variance for posting, 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*). Should the notices be removed or damaged during the posting period, the applicant must contact the Zoning and Permits office for replacement notices.

The public notices inform the neighbourhood of the purpose of the variance and the date, time and location of the public hearing. On the day of the hearing, the decision maker (i.e. Committee [CC]) will decide whether to support



the variance with conditions, request for changes in order to approve the variance, or reject the variance altogether.

After the hearing the City Clerk's Department generates a variance order which outlines the decision made by the CC, any conditions that the variance must abide by, and instructions on how to appeal the decision. If no appeals are received by the deadline specified on the order, the decision made on the variance order is deemed to be in effect.

What happens if the Community Committee supports the variance, but the application is appealed by neighbours?

- Any neighbouring property owner(s) who oppose the variance 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 appeal period as specified on the variance order
- 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 Appeal Committee at City Hall, 510 Main Street.
- The Appeal Committee may **dismiss the appeal** (allow the original variance 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 is **rejected**), the applicant cannot re-apply for the same variance 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 Community Committee rejects the variance, but the application is appealed by the applicant?

- The applicant may appeal the rejected order by submitting a written notice to the City Clerk's Department prior to the end of the 14-day appeal period as specified on the variance order
- The subject property is posted for a second 14-day period informing the neighbourhood of the appeal hearing date. The matter is heard before the Appeal Committee at City Hall, 510 Main Street.
- The Appeal Committee may **dismiss the appeal** (allow the rejected order to be confirmed) or **grant the appeal** (dismiss the rejected order)
- If the **appeal is dismissed** (the variance is **rejected**), the applicant cannot re-apply for the same variance or variance 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.

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 (e.g. multi-family dwelling) & commercial uses

Before construction or post-construction (work without an approved permit)

- 1st variance
- Each additional variance (same lot)

Single-family or two-family dwellings

Before construction or post-construction (work without an approved permit)

- 1st variance
- Each additional variance (same lot)

Payments can be made in 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.





Address information:

Application Submission Requirements

	Date:
t number	Ctroot name.

Project address	Street number:	Street name:	
Legal description	Lot number:	Block number:	Plan number:

Applicant information:

Applicant name: (print)			
Mailing address:	City & province:	Postal code:	
Daytime phone number:	Email address:	Email address:	
	Mailing address:	Mailing address: City & province:	Mailing address: City & province: Postal code:

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. Please see template at the end of this document.
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 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 <u>Association of Manitoba Land Surveyors website</u> for more information.
сетппсате	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.



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	☐ ☐ Floodway and flood fringe levels	
	☐ Proposed use ☐ Dimensioned setbacks ☐ Scale	Features adjacent to parcel (City streets, sidewalks, curb cuts, median breaks)	
	☐ Dimensioned property lines	Existing and proposed structures (number, location and height)	
	Streets labeled Exterior lighting	Boundary survey (total acreage, zoning, date, north arrow and vicinity	
	□ Vehicular circulation (parking spaces, drive aisles, driveways, accessible parking, ingress / egress, loading etc.)	map) Easements and utility rights of way (depth, width, location, type and registration number)	
	☐ Screening or treatment of any	☐	
	natural features	☐ Nearby transit stops	
	Proposed buffers or landscaped yards	Garbage enclosures	
	Bicycle parking	☐ ☐ Free standing and accessible parking signs	
Digital graphic	Learn more about <u>digital graphic requirement</u>	nts.	
Plan of subdivision	Plan outlining the dimensions and labels of tamalgamated. Information on the existing articluded.	·	
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.		
Proposed phasing	Number of phases and anticipated time of completion.		
	Detailed, fully dimensioned, drawn to scale landscape plan including the following:		
Landscaping plan	Plant list (number, size and species) Planting to be removed or kept (number) New planting (number, location and s	□ □ Screening	





Planning & design			
Parking study			
<u>Colour renderings</u>			
Sun / shadow study			
Street level visualization of proposed			
development			
Public consultation program			
Arborist report			
Density bonus request form			
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	
	. 0	
RE:		(address or legal description of application)
I (we) h	nereby give authorization to:	
		_ (Applicant's name)
		_ (
Ta ann	ly far a dayalanmant annihation for the above address	
то арр	ly for a development application for the above address	o.
Registe	ered owner(s) on the current Status of Title or Certificat	te of Title:
Please	e print name and company name (if applicable)	Signature
i icasc	. print name and company name (ii applicable)	Signature
Please	e print name and company name (if applicable)	Cignature
riease	e print name and company name (ii applicable)	Signature
	· · · · · · · · · · · · · · · · · · ·	
Please	e print name and company name (if applicable)	Signature
Please	e print name and company name (if applicable)	Signature





Request for Support of a Zoning Variance

Signatures of support from adjoining impacted neighbours.

То:	The City of Winnipeg Planning, Property & Develop Zoning & Permits 31 – 30 Fort St. Winnipeg, Manitoba R3C 4X7	ment Department	Date:	
RE:		(address or	legal description of applic	cation)
l consu premis		request for relief on	the following zoning restr	ction(s) at the above referenced
Please	provide a brief description of th	e proposed work to	be varied in the space prov	vided below.
The fol	lowing neighbours support/do r	not oppose my reque	est for a Zoning variance:	
	Namo	Address	Daytime	Signature(s)

Name	Address	Daytime phone number	Signature(s)





Letter of Intent - City of Winnipeg - Zoning & Permits

Date	File number
Name of applicant	
Property address	
Proposed structure/ renovation	
What is/are the reason(s required.)) for this development? (Please attach any additional information if more room is
	u, if you cannot proceed with this proposed development?
10W Would It Impact you	1, if you cannot proceed with this proposed development:
How will the new develo	ppment impact your neighbours/ neighbourhood?





Letter of Intent - City of Winnipeg - Zoning & Permits

Date	File number							
Name of applicant								
Property address								
Proposed structure/ renovation								
oes this new development affect any current developments on your lot?								
lave you discussed youi aw requirements?	r plans with City staff or other industry professionals familiar with City of Winnipeg By-							
	t by-laws create a hardship specifically to the proposed development (why your new eet by-law requirements).							





Letter of Intent - City of Winnipeg - Zoning & Permits

Date			File number		
Name of applicant					
Property address					
Proposed structure/ renovation					
Additional comments					
Signature(s) of applican	t(s)				
		_			
Signature:		Date:		 	
Signature:		Date:		 	
Signature:		Date:		 	
Signature:		Date:		 	

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.