Variance (DAV “C” or “D”) Application
Other Residential & Commercial Uses/Buildings

Effective January 1, 2020

What is a Variance?
A variance is a request to modify the Dimensional Standards of the Zoning By-Law (i.e. yards or building setbacks, height requirements and lot coverage) as applied to a specific property. When 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. Although the zoning designation of the property remains unchanged, an exemption of one of more of the requirements may be allowed under certain circumstances.

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 as is 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.

A public notice will need to be posted to announce the nature of the application and the details of the public hearing. The decision maker (i.e. Board of Adjustment or Community Committee) may place conditions upon a variance approval, which are deemed necessary to ensure these criteria are met. Once the variance has been publicly posted and/or the decision maker has made a decision on the variance, please note that the application fees cannot be refunded.

APPLICATION APPEALED (Appeal by others)
A. 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.
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APPLICATION REJECTED (Appeal by applicant)

B. 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). An appointment must be arranged with a Zoning Development Officer who will be available to accept the application or answer any inquiries about it. To arrange a meeting, please contact the Appointment Desk at (204) 986-8113 or ppd-permitappointments@winnipeg.ca. Before you submit your application, please ensure that you contact the Area/District Planner to confirm whether they will support your proposal.

Location
Please apply at the Zoning and Permits Branch located in Unit 31 – 30 Fort Street. Free customer parking is located in the 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 receptionist at the Zoning and Permits office.

If you are unable to come in-person through an appointment, you can mail or courier the submission package to:

Zoning and Permits
Unit 31- 30 Fort St.
Winnipeg, MB R3C 4X7
Variance (DAV “C” or “D”) Application

Other Residential & Commercial Uses/Buildings

Fees

Single-Family* or Two-Family Dwelling Uses*:
- Before Construction:
  - 1st Variance - $645.00 (fee) + $32.25 (GST) = $677.25
  - Each additional variance (same lot) - $215.00 (fee per item) + $10.75 (GST) = $225.75
- Post Construction:
  - 1st Variance - $968.00 (fee) + $48.40 (GST) = $1,016.40
  - Each additional variance (same lot) - $322.00 (fee per item) + $16.10 (GST) = $338.10

(* Permitted uses in “C1” zoning district, Conditional Use approval required in “C2” zoning district).

Other Residential (e.g. multi-family dwelling) & Commercial Uses
- Before Construction:
  - 1st Variance - $2,150.00 (fee) + $107.50 (GST) = $2,257.50
  - Each additional variance (same lot) - $543.00 (fee per item) + $27.15 (GST) = $570.15
- Post Construction:
  - 1st Variance - $4,280.00 (fee) + $214.00 (GST) = $4,494.00
  - Each additional variance (same lot) - $809.00 (fee per item) + $40.45 (GST) = $849.45

Temporary Use and/or Density: $1,608.00 (fee) + $80.40 (GST) = $1,688.40

Request to Demolish a single-family, two-family, or multi-family dwelling in a residential or commercial zoning district area without a building permit to replace the demolished residence:
- $543.00 (fee) + $27.15 (GST) = $570.15

(All fees are subject to change)

Once the Zoning Officer has entered the application, it must be paid for before it can be circulated. You can pay the Cashier in-person, by phoning (204) 986-5120 or by emailing ppd-cashier@winnipeg.ca. Please be advised that the maximum dollar amount that can be charged to a credit card is $10,000. If you are paying by cheque, please make it payable to the “City of Winnipeg.”

*** Please refer to the checklist under the “Submission Requirements” to ensure that you have supplied the required documentation and plans for an application. It is important that all required documentation is provided to prevent delays in processing.

APPLICANT INFORMATION

<table>
<thead>
<tr>
<th>Project Address:</th>
<th>No.</th>
<th>Street Name</th>
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<tbody>
<tr>
<td>Legal Description:</td>
<td>Lot</td>
<td>Block</td>
</tr>
<tr>
<td>Applicant:</td>
<td>Name</td>
<td></td>
</tr>
<tr>
<td>Contact:</td>
<td>Address</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Daytime Phone No.</td>
<td>Email Address</td>
</tr>
</tbody>
</table>
Note: Items that "may be required" are items that may be requested of the applicant to assess the development application. Items that are "if applicable" are items that will be required of the applicant if it applies to the context of the proposed development application. Please organize your submission by ensuring that each set contains one copy of each required document. In other words, the required documents should be separated out into individual sets, with the first set containing one (1) copy of the status of title, letters and plans, the second set containing one (1) copy of the status of title, letters and plans, and so on.

### KEY DOCUMENTS

<table>
<thead>
<tr>
<th>Document</th>
<th>Copies required</th>
<th>Notes</th>
<th>Required</th>
<th>May be required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Current Status of Title</td>
<td>2</td>
<td>Available from The Property Registry (Winnipeg Land Titles Office) located on 276 Portage Avenue, at Smith Street. We may request for an updated title to be submitted if the copy provided is not dated within the last 3 months. For further info please visit <a href="https://www.tprmb.ca/tpr/landtitles.html">https://www.tprmb.ca/tpr/landtitles.html</a></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>City of Winnipeg caveats (if applicable)</td>
<td>2</td>
<td>Listed on the Status of Title as active instruments. Available from The Property Registry (Winnipeg Land Titles Office) located on 276 Portage Avenue, at Smith Street. For further info please visit <a href="https://www.tprmb.ca/tpr/landtitles.html">https://www.tprmb.ca/tpr/landtitles.html</a></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Letter of intent</td>
<td>2</td>
<td>This letter should describe the scope of the proposed development (e.g. what you intend to do, the size of the proposed structure or development, anticipated number of lots and units per land use category, proposed use of land and structures, etc.) and include the reason(s) for the request to modify the provisions of the Zoning By-Law (i.e. describe why the proposal cannot comply with the Zoning By-law).</td>
<td>X</td>
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</tr>
<tr>
<td>Letter of authorization</td>
<td>2</td>
<td>Required by all the registered owners of the land whose name(s) appear on the title. If the owner on Title is a company name, the person signing must state the company name as shown on the Title and that he/she is authorized to sign for that company. Please see template at the end of this document</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Letter of support</td>
<td>2</td>
<td>Written support from adjacent neighbours. Please see template at the end of this document.</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Building location certificate (if applicable - maximum size of 11”x 17”)</td>
<td>2</td>
<td>A document prepared by a Manitoba Land Surveyor illustrating the location of the buildings or structures on the land with dimensions. See <a href="http://www.amlsc.ca/serving-the-public">http://www.amlsc.ca/serving-the-public</a> under Location Certificates. A detailed, well-drawn, fully dimensioned site plan may be substituted under certain circumstances. A building location certificate may be determined to be mandatory in cases where development/construction has started without prior approval or permits.</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Title Plot (if applicable - maximum size of 11”x 17”)</td>
<td>2</td>
<td>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. See The Property Registry at <a href="https://www.tprmb.ca/tpr/landtitles.html">https://www.tprmb.ca/tpr/landtitles.html</a></td>
<td>X</td>
<td></td>
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<tr>
<td>Plan of subdivision (if applicable - maximum size of 11”x 17”)</td>
<td>2</td>
<td>Plan outlining the dimensions and labels of the parcels or lots that are being created or amalgamated.</td>
<td>X</td>
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</tr>
<tr>
<td>Proposed Phasing (if applicable - maximum size of 11”x 17”)</td>
<td>2</td>
<td>Number of phases and anticipated time of completion.</td>
<td>X</td>
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</tbody>
</table>
# Submission Requirements

## Plans of Development
(should include the drawings described in Parts 1, 2, 3, 4, 5)

<table>
<thead>
<tr>
<th>Part</th>
<th>Document</th>
<th>Copies required</th>
<th>Notes</th>
<th>Required</th>
<th>May be required</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Floor Plans <em>(if applicable)</em>&lt;br&gt;Detailed, fully dimensioned plans, drawn to scale (maximum size of 11”x 17”)</td>
<td>2</td>
<td>Plans showing the interior layout of the building including labels and dimensions of all rooms</td>
<td>X</td>
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</tbody>
</table>
| 2    | Site Plan<br>Detailed, fully dimensioned site plan, drawn to scale (maximum size of 11”x 17”) | 2 | Includes:  
- project name  
- proposed use  
- municipal address  
- scale  
- north arrow  
- dimensioned property lines  
- land parcel area *(if applicable)*  
- boundary survey (total acreage, zoning, date, north arrow and vicinity map)-*(if applicable)*  
- easements and utility rights of way (depth, width, location, type and registration number)-*(if applicable)*  
- streets labeled  
- pedestrian connections  
- existing and proposed structures (number, location and height)-*(if applicable)*  
- dimensioned setbacks *(if applicable)*  
- features adjacent to parcel (City streets, sidewalks, curb cuts, median breaks)-*(if applicable)*  
- vehicular circulation (parking, accessible parking, ingress / egress, loading etc.)  
- nearby transit stops *(if applicable)*  
- screening or treatment of any natural features  
- proposed buffers or landscaped yards  
- garbage enclosures *(if applicable)*  
- free standing signs *(if applicable)*  
- exterior lighting  
- mechanical equipment *(if applicable)*  
- floodway and flood fringe levels *(if applicable)* | X | |
| 3    | Landscaping Plan *(if applicable)*<br>Detailed, fully dimensioned plan, drawn to scale (maximum size of 11”x 17”) | 2 | Includes:  
- plant list (number, size and species)  
- planting to be removed or kept (number, size and species)  
- new planting (number, location and species)  
- fencing  
- open space  
- ground cover  
- screening | X | |
## SUBMISSION REQUIREMENTS

<table>
<thead>
<tr>
<th>Document</th>
<th>Copies required</th>
<th>Notes</th>
<th>Required</th>
<th>May be required</th>
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<tbody>
<tr>
<td><strong>Part 4 - Planning and Design</strong></td>
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<tr>
<td>Parking Study</td>
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<td>X</td>
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<tr>
<td>Building elevations <em>(if applicable)</em></td>
<td>2</td>
<td>Maximum size of 11”x17”</td>
<td>X</td>
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<tr>
<td>Colour renderings <em>(if applicable)</em></td>
<td>2</td>
<td>Maximum size of 11”x17”</td>
<td>X</td>
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<tr>
<td>Sun / shadow study</td>
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<td>X</td>
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<tr>
<td>Street level visualization of proposed development</td>
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<td>X</td>
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<td>Public consultation program</td>
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<tr>
<td>Arborist report</td>
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<tr>
<td>Context photos</td>
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<td>Financial Impact Assessment</td>
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<td>Cultural heritage impact statement <em>(historical resources)</em></td>
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<td>Commercial Land Supply Study</td>
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<td>Employment Land Supply Study</td>
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<tr>
<td>Residential Land Supply Study</td>
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<tr>
<td>Archeological resource assessment</td>
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<tr>
<td><strong>Part 5 - Engineering Studies</strong></td>
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<tr>
<td>Community Transportation Study and / or Transportation Impact Study</td>
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<tr>
<td>Assessment of Adequacy of Public Services / Site Servicing Study</td>
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<td>SUBMISSION REQUIREMENTS</td>
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<td><strong>Servicing Options report</strong></td>
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<tr>
<td><strong>Stormwater Management Report</strong></td>
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<tr>
<td><strong>Geotechnical Study / Slope Stability Study</strong></td>
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<tr>
<td><strong>Groundwater Impact Study</strong></td>
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<td><strong>Wind Study</strong></td>
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<tr>
<td><strong>Noise / Vibration Study</strong></td>
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Letter of Authorization

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

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 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

Personal information is collected under the authority of The City of Winnipeg Charter Act, and is used for the administration and enforcement of The City of Winnipeg Building By-law No. 4555/87. This information will be disclosed publicly in accordance with the disclosure provisions of the Province of Manitoba - Freedom of Information and Protection of Privacy Act. If you have questions about the collection, use, or disclosure of your information, contact the Corporate FIPPA Coordinator: by mail to the City Clerk’s Department, Administration Building, 510 Main Street, Winnipeg, MB, R3B 1B9; by telephone to 311; or by email to FIPPA@winnipeg.ca.
Request for a Support on Zoning Variance  
(Signatures of support from adjoining impacted neighbours)

Date: __________________________

To: The City of Winnipeg  
Planning, Property and Development Department  
Zoning and Permits Branch  
31 – 30 Fort Street  
Winnipeg, Manitoba  
R3C 4X7

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 application in the space provided below.)

______________________________________________________________________________
______________________________________________________________________________
______________________________________________________________________________
______________________________________________________________________________
______________________________________________________________________________

The following neighbours support/do not oppose my request for a Zoning Variance:

<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
<th>Daytime Phone No.</th>
<th>Signature(s)</th>
</tr>
</thead>
<tbody>
<tr>
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