

Residential Variance (DAV “B”) Single Family Dwelling or Two-Family Dwelling Application Form

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.

How long does the variance process take?

The length of time to process depends on the complexity of the variance application and the completeness of the required documentation and information (refer to the checklist under “Application Submission Requirements”). This includes, but is not limited to, a detailed letter of intent describing why the Zoning By-law requirements for the proposal cannot be met and plans that are legible and drawn to scale. The process takes approximately six to eight weeks from the date of the application submission to complete. Complicated applications may take longer.

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 Development Planning Officer. The Development Planning Officer will review the application and prepare a report 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.

If the Development Planning Officer approves the variance, the variance clerk will create the public notices and will contact the applicant to pick up the notices from the Zoning and Permits Branch 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 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 Branch office for replacement notices.

What happens if the Development Planning Officer 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 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 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 Development Planning Officer rejects the variance, but the application is appealed by the applicant?

Please note: The Development Planning Officer will contact the applicant prior to formally rejecting a variance application. The applicant may appeal a rejected order as per the procedure below.

- If the Director of Planning Property and Development (or designate) **rejects** the variance 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 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 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 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:

<p>Address: Zoning and Permits Office Unit 31- 30 Fort St. Winnipeg, MB R3C 4X7</p> <p>Phone: 204-986-5140, press option 4</p> <p>Email: ppd-zdo@winnipeg.ca</p>	<p>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.</p>
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How to apply:

<p>By appointment (recommended option): We recommend arranging an appointment with a Zoning Development Officer to discuss your application. To schedule a meeting, please call Permits Direct Line at 204-986-5140 and select option 1 or email ppd-permitappointments@winnipeg.ca.</p> <p>By mail, courier or drop off: You can mail, courier or drop off your application package to the Zoning and Permits Branch (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 (see Customer Parking map) . Please register your vehicle license number with the front desk clerk at the Zoning and Permits Branch office.</p> <p>By email: You can submit digital copies of your application documents to ppd-zdo@winnipeg.ca. Please note that the Zoning Development Officer will request paper copies in order to process the application.</p>
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Fees:

Please refer to the [Planning, Development and Building Fees and Charges](#) schedule for more information about fees referenced in this document. Fees will be assessed at the time of application.

<p>New Single Family or Two-Family Dwellings (New Construction or Additions)</p> <p>Before Construction or Post-Construction (work without an approved permit)</p> <ul style="list-style-type: none"> • 1st Variance • Each Additional Variance (same lot)
<p>Accessory Structures</p> <p>Before Construction or Post-Construction (work without an approved permit)</p> <ul style="list-style-type: none"> • 1st variance • Each Additional Variance (same lot)

Payments can be made in-person, by mail or by calling Permits Direct Line at 204-986-5140, selecting option 7 and then 1 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.

Refunds

A residential variance application withdrawn prior to administrative approval or public posting may receive a partial refund that is 25% of the total application fee. A residential variance application withdrawn **after** administrative approval and public posting is **not refundable**. Refunds are administered under the City of Winnipeg Planning, Development and Building Fees and Charges schedule.

Application Submission Requirements

Date: _____

Address Information:

Project Address	Street No.:	Street Name:	
Legal Description	Lot No.:	Block No.:	Plan No.:

Applicant Information:

Applicant info	Applicant Name: (print)		
	Mailing Address:	City & Province:	Postal Code:
	Daytime Phone No.:	Email Address:	

Notes about the Checklist of Items:

- Items indicated "may be required" are items that may be requested by the City of Winnipeg as part of the review of the development application. These items may be requested at the time the application is submitted or after the application has been circulated to the other City departments.
- Items indicated "if applicable" are items that will be required if they apply to the context of the proposed development application.
- Please organize your submission to ensure that each individual set contains one copy of each required document. For example, the first set should contain one copy of the status of title, letters and plans, the second set should also contain one copy of the status of title, letters and plans, and so on.

Your personal information is being collected consistent with the requirements and limitations set out under *The Freedom of Information and Protection of Privacy Act (FIPPA)*. This collection of personal information is authorized by section 36(1)(b) of The FIPPA for the administration of *Winnipeg Zoning By-law No. 200/2006*. Your information is protected by FIPPA's privacy provisions and will not be used or disclosed for any other purpose, except as authorized by law. Contact the City of Winnipeg's Corporate Access and Privacy Officer by mail (City Clerk's Department, Susan A. Thompson Building, 510 Main Street, Winnipeg MB, R3B 1B9) or by telephone (311) if you have questions about this collection of your personal information.

Checklist of Required Items

Number of Copies Required	Type of Document	Explanations & Notes
1	Current Status of Title	A Status of Title is a document that identifies property ownership and is available from the Winnipeg Land Titles Office. The copy provided must be dated within three months of the application date to verify current ownership, etc. For further information, please visit Teranet Manitoba
1	City of Winnipeg caveats (if applicable)	Listed on the status of title as active instruments. Available from the Winnipeg Land Titles Office. For further information, please visit Teranet Manitoba
1	Letter of Intent	A Letter of Intent is a written statement describing the scope of the proposed development (e.g. proposed building, structure, land use) including the reason(s) for the request to modify the provisions of the Zoning By-Law. This letter should provide a description of why the development proposal cannot comply with the Zoning By-Law requirements, proposed use, etc. Please see template at the end of this document.
1	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.
1	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.
1	Building Location Certificate (if applicable) Maximum size of 11 in. x 17 in.	<p>A Building Location Certificate (also known as a 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 demonstrate that the proposed use is in accordance with the Zoning By-Law. Visit the Association of Manitoba Land Surveyors website for more information.</p> <p>Under certain circumstances, a detailed, well-drawn, fully dimensioned site plan may be substituted at the City's discretion. A Building Location Certificate is required for all post construction when development/construction has started without prior approval or permits.</p>

Checklist of Required Items, continued

Number of Copies Required	Type of Document	Explanations & Notes																								
1	Site Plan Maximum size of 11 in. x 17 in.	Detailed, fully dimensioned, drawn to scale site plan, including the following: <table border="1" data-bbox="574 415 1498 806"> <tr> <td><input type="checkbox"/></td> <td>Project name</td> <td><input type="checkbox"/></td> <td>Scale</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Municipal address</td> <td><input type="checkbox"/></td> <td>North arrow</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Dimensioned property lines</td> <td><input type="checkbox"/></td> <td>Streets labeled</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Dimensioned setbacks</td> <td><input type="checkbox"/></td> <td>Floodway and flood fringe levels (if applicable)</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Existing and proposed structures (number, location and height)</td> <td><input type="checkbox"/></td> <td>Proposed buffers or landscaped yards</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Parking spaces</td> <td></td> <td></td> </tr> </table>	<input type="checkbox"/>	Project name	<input type="checkbox"/>	Scale	<input type="checkbox"/>	Municipal address	<input type="checkbox"/>	North arrow	<input type="checkbox"/>	Dimensioned property lines	<input type="checkbox"/>	Streets labeled	<input type="checkbox"/>	Dimensioned setbacks	<input type="checkbox"/>	Floodway and flood fringe levels (if applicable)	<input type="checkbox"/>	Existing and proposed structures (number, location and height)	<input type="checkbox"/>	Proposed buffers or landscaped yards	<input type="checkbox"/>	Parking spaces		
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1	Floor Plans (if applicable) Maximum size of 11 in. x 17 in.	Detailed, fully dimensioned, drawn to scale floor plans showing the interior layout of the building, including labels and dimensions of all rooms.																								
1	Building Elevations (if applicable) Maximum size of 11 in. x 17 in.	Detailed, fully dimensioned, drawn to scale building elevations outlining the exterior appearance of the building, the locations of any windows and doors, roof slope and overhangs, guard rail height/picket spacing for any landings, and building heights. Learn more about building elevation requirements.																								

Letter of Authorization

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

Date: _____

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

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

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Your personal information is being collected consistent with the requirements and limitations set out under *The Freedom of Information and Protection of Privacy Act (FIPPA)*. This collection of personal information is authorized by section 36(1)(b) of The FIPPA for the administration of *Winnipeg Zoning By-law No. 200/2006*. Your information is protected by FIPPA's privacy provisions and will not be used or disclosed for any other purpose, except as authorized by law. Contact the City of Winnipeg's Corporate Access and Privacy Officer by mail (City Clerk's Department, Susan A. Thompson Building, 510 Main Street, Winnipeg MB, R3B 1B9) or by telephone (311) if you have questions about this collection of your personal information.

Request for Support of a 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 proposed work to be varied in the space provided below.

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

Name	Address	Daytime Phone Number	Signature(s)

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Letter of Intent – City of Winnipeg – Zoning & Permits Branch

Date		File Number	
Name of Applicant			
Property Address			
Proposed Structure/ Renovation			

What is/are the reason(s) for this development? (Please attach any additional information if more room is required.)

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How would it impact you, if you cannot proceed with this proposed development?

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How will the new development impact your neighbours/neighbourhood?

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Letter of Intent – City of Winnipeg – Zoning & Permits Branch

Date		File Number	
Name of Applicant			
Property Address			
Proposed Structure/ Renovation			

Does this new development affect any current developments on your lot?

Have you discussed your plans with City staff or other industry professionals familiar with City of Winnipeg By-law requirements?

Describe how the current by-laws create a hardship specifically to the proposed development (why your new development cannot meet by-law requirements).

Letter of Intent – City of Winnipeg – Zoning & Permits Branch

Date		File Number	
Name of Applicant			
Property Address			
Proposed Structure/ Renovation			

Additional Comments

Signature(s) of Applicant(s)

Signature: _____	Date: _____
Signature: _____	Date: _____
Signature: _____	Date: _____
Signature: _____	Date: _____

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