

## **Non-Conforming Approach Application Overview**

These instructions are meant to provide an overview of the application process for a Non-Conforming Approach. Please note, depending on the proposed Non-Conforming Approach application, the following procedure may not be in the same order or require all outlined processes.

- Completion of the application for “Residential Private Access” and returned with necessary attachments as outlined in the attached application form, to Public Works at 106-1155 Pacific Avenue, email to [pwdpermits@winnipeg.ca](mailto:pwdpermits@winnipeg.ca).
- Development application and/or a variance applied for with Zoning at the Planning, Property and Development Department. Call 204-986-5140 to book an appointment with a Zoning Officer.
- Once approval has been received from Zoning and payment from the applicant, upcoming Meeting Notice letters of the proposed works will be delivered to occupants of neighbouring and other properties as determined by Public Works.
- Report will be prepared by Public Works and sent to the applicable Community Committee meeting for consideration. Applicant will be provided with meeting information should they choose to attend the meeting.
- Applicant will be notified of the results of meeting once available. Results can also be viewed online at <http://clkapps.winnipeg.ca/dmis/>
- If approved, applicant will need to contact Public Works at 204-986-4113 to obtain an approach permit. Approaches must be constructed by contractors licensed under Private Access By-Law 49/2008. A list can be obtained at 1155 Pacific Avenue or by emailing [pwdpermits@winnipeg.ca](mailto:pwdpermits@winnipeg.ca)

*Any personal information being collected is done so under the authority of The City of Winnipeg Charter. It is protected by the Protection of Privacy provisions of The Freedom of Information and Protection of Privacy Act. This information will be used for the administration and enforcement of the City of Winnipeg Private Access By-Law No. 49/2008 and may be disclosed to third parties as required for this purpose. If you have any questions about the collection of this information, contact the Records and Information Management Coordinator for the Public Works Department through 311.*



**APPLICATION FOR RESIDENTIAL PRIVATE ACCESS  
(SINGLE FAMILY DWELLINGS ONLY)**  
PURSUANT TO BY-LAW NO. 49/2008 AND AMENDMENTS THERETO

NAME OF APPLICANT \_\_\_\_\_ CONTACT NAME \_\_\_\_\_

MAILING ADDRESS \_\_\_\_\_ PHONE \_\_\_\_\_

POSTAL CODE \_\_\_\_\_ E-MAIL \_\_\_\_\_

- REGISTERED OWNER
- PURCHASER UNDER AN AGREEMENT FOR SALE
- CONTRACTOR (IF APPLYING ON BEHALF OF A CLIENT A LETTER OF AUTHORIZATION IS REQUIRED)
- IF OTHERWISE, STATE HERE \_\_\_\_\_

LOCATION OF WORK APPLIED FOR \_\_\_\_\_

- APPLICATION FOR:
- CURB CUT (APPLIES TO WALKWAYS REQUIRING BARRIER FREE ACCESS TO STREET)
  - PRIVATE APPROACH(ES)
    - DOES NOT CONFORM TO PRIVATE ACCESS BY-LAW 49/2008 (PLEASE  IF APPLICABLE)
  - PRIVATE WALK(S)

WORK TYPE:  RENEWAL  NEW INSTALLATION  REMOVAL

SURFACING MATERIAL:  CONCRETE  PAVING STONE  ASPHALT  GRANULAR  PATIO BLOCKS

ADDITIONAL COMMENTS:

**Please also attach a well-drawn sketch of the proposed works c/w dimensions. Indicate any trees, hydrants, signs, curb inlets, manholes or any other obstructions that may hinder / alter the proposed works. For Non-Conforming Approach applications, a letter of intent will also be required.**

- Only contractors who are licensed with the City of Winnipeg & hold a valid Private Access license can construct private approaches / proceed to work in the City right of way. A list of licensed contractors is available on request.
- If application is approved the applicant will still need to obtain a construction permit
- Property owner(s) is responsible for the entire cost of proposed works, no compensation will be granted by the City for any of the proposed works.

The owner of the land abutting any private access shall be directly liable to any person, including the City, sustaining damages through any cause whatsoever on account of, and shall indemnify and save harmless the City of and from all damages and costs caused by or on account of, the installation, construction, reinstallation, reconstruction, maintenance, use or failure to protect or cover, any such private access if required, the owner shall execute and deliver to the City an indemnity agreement in respect thereof, satisfactory to the City Solicitor.

DATE \_\_\_\_\_

SIGNED \_\_\_\_\_

Completed application to be e-mailed to [pwdpermits@winnipeg.ca](mailto:pwdpermits@winnipeg.ca), or dropped off at **The City of Winnipeg**:

**Public Works Department  
106-1155 Pacific Avenue  
Winnipeg, Manitoba  
R3E 3P1**

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**ENGINEERING DIVISION**  
106-1155 Pacific Avenue, Winnipeg (Manitoba) R3E 3P1  
**DIVISION DE L'INGENIERIE**  
106-1155, avenue Pacific, Winnipeg (Manitoba) R3E 3P1

**THE CITY OF WINNIPEG**

**PRIVATE ACCESS BY-LAW**  
**NO. 49/2008**

**A By-law of THE CITY OF WINNIPEG to regulate  
the modification of rights-of-way to provide  
access to private real property in the City.**

THE CITY OF WINNIPEG, in Council assembled, enacts as follows:

**Procedure when Director cannot approve application**

14(1) Where an application for a private access is made that cannot be approved by the Director pursuant to section 10, the Director must notify the applicant of this fact in compliance with The City of Winnipeg Charter.

14(2) Where an application cannot be approved by the Director because the proposed private access does not comply with clause 10(1)(f), upon payment by the applicant of an administration fee determined by Council from time to time, the Director must immediately forward the application to the Clerk of the relevant Council Committee.

14(3) When the Director forwards the application pursuant to subsection (2), the Director must also forward a report to the relevant Council Committee setting out the reason or reasons why the application cannot be approved by the Director under clause 10(1)(f) and the report may include the position of the Director concerning the substance of the application.

**Criteria for approval of permits by Council Committees**

15. A Council committee may approve a private access permit under sections 12 and 13 where the Committee considers that:

- (a) conformity with the rules set out in sections 17 to 21 would be unreasonable in the circumstances, including the use to which the property is intended to be put;
- (b) the location and size of the proposed private access is reasonably required for the use to which the property is intended to be put; and
- (c) the location and size of the proposed private access would not be detrimental to the safe and efficient movement of vehicular and pedestrian traffic on the adjacent street.

## **NON-CONFORMING PRIVATE ACCESSES**

### **General rules re. private accesses**

17(1) deleted 81/2021

17(2) deleted 81/2021

### **Specific rules re. residential approaches**

18. Private approaches benefitting residential properties are non-conforming if they fail to conform to the following rules:

- (a) an approach must not be less than 3 metres or greater than 6.5 metres wide measured along the property line;
  - (a.1) the private access must not be detrimental to the safe and efficient movement of vehicular and pedestrian traffic upon the adjacent street;  
added 81/2021
- (b) subject to subsection 25(3), a private approach must not extend beyond the lot line of the adjacent property projected into the street if
  - (i) the approach could negatively impact an existing or future conforming private approach benefitting an adjacent property; and
  - (ii) an alternate location of the approach is possible, taking into account the proposed or actual location of buildings on the lot;
- (c) an approach must not be constructed or allowed to exist where a lane at least 4.5 metres wide is adjacent to the property, whether or not the lane is improved.

### **Specific non-conforming accesses – Schedules A and B**

21(1) Subject to this section, a private access is not in conformity with this By-law where it is located on a roadway or a portion of a roadway identified in Schedules "A" or "B".

21(2) Subsection (1) does not apply where a private access is located on a service road adjacent to the principal roadway identified in Schedule "A".

21(3) Subsection (1) does not apply where a private access is located on a roadway or portion of a roadway identified in Schedule "B" and there is no other means of access to the property.

21(4) Where a permit for a private access located on a roadway or portion of a roadway identified in Schedule "B" is issued, the permit is temporary and is conditional upon a new private approach or private walk being constructed by the owner of the property when this is possible due to the construction of other roadways, lanes or service roads.

Excerpt from By-law No. 49/2008

## **CONSTRUCTION OF PRIVATE ACCESSES**

### **Cost of constructing private access payable by owner**

22. Subject to section 24, where construction, modification, relocation or removal of a private access is approved under this By-law, all the costs thereof, including the costs of removing or relocating structures or trees within the street, must be paid by the owner of the property benefitted by the private access.