

Home-Based Business (Major) Conditional Use (DCU “B”) Application Form

What is a home-based business?

The Zoning By-law regulates home-based businesses by ensuring the character of a residential area is not impacted by noise, traffic or other nuisances associated with a commercial enterprise.

A home-based business may be a full-time, part-time or even an occasional venture. Generally, if your business mail comes to your home and or administrative duties are conducted from your home, you require a [home-based business permit](#). Many types of home-based businesses, such as office facilities, are permitted under the Zoning By-law and a home-based business permit is issued to establish the use.

A home-based business that provides a personal service on the premises to serve customers (e.g. beauty salon, pet grooming, repair service, counselling services, etc.) and/or includes a maximum of two non-resident employees requires a conditional use application in addition to the home-based business permit. The conditional use must be granted without appeals before the home-based business permit can be issued to establish the use.

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 conditional use process take?

The length of time to process depends on the complexity of the conditional use 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 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 Development Planning Officer. The Development Planning Officer will review the application and prepare a report to support the conditional use with conditions, request changes in order to approve the conditional use, or reject the conditional use altogether.

The criteria to approve a 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 Development Planning Officer approves the conditional use, the variance clerk will create the public notices and will contact the applicant to pick up the notices from Zoning & 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 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 & Permits office for replacement notices.

What if the Development Planning Officer supports the conditional use, but the application is appealed by neighbours?

- Any neighbouring property owner(s) who oppose the 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 Appeal Committee at City Hall, 510 Main Street.
- The Appeal Committee may **dismiss the appeal** (allow the original 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 conditional use is **rejected**), the applicant cannot re-apply for the same 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 if the Development Planning Officer rejects the conditional use, but the application is appealed by the applicant?

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

- If the Director of the Planning Property and Development Department (or designate) **rejects** the 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 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 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 conditional use is **rejected**), the applicant cannot re-apply for the same 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:

<p>Address: Zoning & Permits Unit 31 – 30 Fort St. Winnipeg, MB R3C 4X7</p> <p>Phone: 204-986-5140</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 that 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:

By appointment (recommended option):

We recommend that you schedule an appointment with a Zoning Development Officer to discuss your application. To schedule a meeting, please call Permits Direct Line at 204-986-5140 or email ppd-permitappointments@winnipeg.ca.

By mail, courier or drop off:

You can mail, courier or drop off your application package 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 (see [Customer Parking map](#)). Please register your vehicle license number with the front desk clerk at the Zoning and Permits office.

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.

Fees:

<p>Conditional Use Application Fee to Establish or Renew a Major Home-Based Business</p>	<p>Fees will be assessed at the time of application. Refer to the Planning, Development and Building Fees and Charges schedule for more information.</p>
<p>Conditional Use Post-Use Application Fee to Maintain a Major Home-Based Business (established without an approved permit)</p>	

Payments can be made 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.

Refunds

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

Expiry Terms

- First application: up to two years
- First renewal application: up to five years
- Additional Renewals: up to 10 years

Note: expiry terms based on compliancy and subject to change.

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:	

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

Items noted as ‘if applicable’ will be required if they apply to the context of the proposed development application.

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 proposed home-based business, days and hours of operation, number of clients on the premises, number of non-resident employees on the premises (if applicable) and other pertinent information.
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.	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. Under certain circumstances, 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.

Checklist of Required Items, continued

Items noted as ‘if applicable’ will be required if they apply to the context of the proposed development application.

Number of Copies Required	Type of Document	Explanations & Notes																											
1	<p>Site Plan Maximum size of 11 in. x 17 in.</p>	<p>Detailed, fully dimensioned, drawn to scale site plan including the following:</p> <table border="1" data-bbox="558 470 1523 894"> <tr> <td data-bbox="558 470 630 520"><input type="checkbox"/></td> <td data-bbox="630 470 1073 520">Project name</td> <td data-bbox="1073 470 1144 520"><input type="checkbox"/></td> <td data-bbox="1144 470 1523 520">Scale</td> </tr> <tr> <td data-bbox="558 520 630 571"><input type="checkbox"/></td> <td data-bbox="630 520 1073 571">Municipal address</td> <td data-bbox="1073 520 1144 571"><input type="checkbox"/></td> <td data-bbox="1144 520 1523 571">North arrow</td> </tr> <tr> <td data-bbox="558 571 630 621"><input type="checkbox"/></td> <td data-bbox="630 571 1073 621">Dimensioned property lines</td> <td data-bbox="1073 571 1144 621"><input type="checkbox"/></td> <td data-bbox="1144 571 1523 621">Streets labeled</td> </tr> <tr> <td data-bbox="558 621 630 714"><input type="checkbox"/></td> <td data-bbox="630 621 1073 714">Dimensioned setbacks</td> <td data-bbox="1073 621 1144 714"><input type="checkbox"/></td> <td data-bbox="1144 621 1523 714">Floodway and flood fringe levels (if applicable)</td> </tr> <tr> <td data-bbox="558 714 630 806"><input type="checkbox"/></td> <td data-bbox="630 714 1073 806">Existing and proposed structures (number, location and height)</td> <td data-bbox="1073 714 1144 806"><input type="checkbox"/></td> <td data-bbox="1144 714 1523 806">Proposed buffers or landscaped yards</td> </tr> <tr> <td data-bbox="558 806 630 894"><input type="checkbox"/></td> <td data-bbox="630 806 1073 894">Parking spaces for clients and/or employees</td> <td data-bbox="1073 806 1144 894"></td> <td data-bbox="1144 806 1523 894"></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 for clients and/or employees		
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1	<p>Floor Plans (if applicable) Maximum size of 11 in. x 17 in.</p>	<p>Detailed, fully dimensioned, drawn to scale floor plans showing the interior layout of the building, including dimensions of all rooms, uses and labels of the rooms, and details of where the home-based business will be conducted in the dwelling unit.</p>																											

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
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-referenced address.

Registered owner(s) on the current Status of Title or Certificate of Title:

Print name and company name (if applicable)

Signature

Print name and company name (if applicable)

Signature

Print name and company name (if applicable)

Signature

Print name and company name (if applicable)

Signature

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Request for Support for Conditional Use Approval of a Home-Based Business

Signatures of support from adjoining impacted neighbours.

Date: _____

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

RE: _____ (address or legal description of application)

I consulted with my neighbours regarding my request to establish or maintain a major home-based business at the above-referenced premises.

Please provide a brief description of the home-based business in the space provided below.

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

Name	Address	Daytime Phone Number	Signature(s)

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