

## Variance to Zoning By-law No. 7124

Name of Property Owner: \_\_\_\_\_

Name of Applicant: \_\_\_\_\_

Civic Address of Property: \_\_\_\_\_

Legal Description of Property: \_\_\_\_\_

### References:

BAPD Development Plan By-law No. 95/01/12  
Applicable Secondary Plan By-law  
City of Brandon Zoning By-Law No. 7124

*\*\*Prior to submitting a formal application, the Planning & Buildings Department strongly recommends that all applicants meet with a Community Planner to complete a pre-application review\*\**

### Variance Request(s):

*As the applicant, I confirm and verify to the City that the information provided in this application is true and complete, and I undertake to observe and perform all provisions of The Planning Act, the Development Plan, the Zoning By-law, and the provisions of other relevant laws, by-laws or agreements.*

Signature of Applicant: \_\_\_\_\_ Date: \_\_\_\_\_

Address: \_\_\_\_\_ Postal Code: \_\_\_\_\_

Phone No.: (Primary) \_\_\_\_\_ (Secondary) \_\_\_\_\_

Email Address: \_\_\_\_\_

Signature of Owner: \_\_\_\_\_ Date: \_\_\_\_\_

Address: \_\_\_\_\_ Postal Code: \_\_\_\_\_

Phone No.: (Primary) \_\_\_\_\_ (Secondary) \_\_\_\_\_

Email Address: \_\_\_\_\_

The personal information which you are providing is being collected under the authority of The Planning Act and will be used for the purpose of approving this application. Information is also being collected for the purpose of statistical reporting. It is protected by the Protection of Privacy provisions of The Freedom of Information and Protection of Privacy Act. If you have any questions about the collection and/or use of information, contact Jennifer Houlihan, FIPPA Coordinator, City of Brandon Planning & Buildings Department, 638 Princess Avenue Brandon, Manitoba, R7A 0P3, Telephone 204-729-2116

### FOR PLANNING DEPARTMENT USE ONLY:

Community Planner: \_\_\_\_\_ Planning File No.: \_\_\_\_\_ CityView No.: \_\_\_\_\_

Date Application Received: \_\_\_\_\_ Payment Date: \_\_\_\_\_ Receipt No.: \_\_\_\_\_ Amount: \$ \_\_\_\_\_

Variance - Application

REV 01/2023

## Variance

A variance is a process that allows a deviation from the Zoning By-law for a particular property. If a property cannot meet the requirements of the Zoning By-law due to unique circumstances, the approval authority may grant an affected owner an opportunity for relief from the Zoning By-law. A variance can be approved to allow a modification to development standards, such as minimum building setbacks and height restrictions.

### Documentation and Fee Requirements

- Application Fee: See fee schedule
- Status of Title: Issued by Brandon Land Titles Office no later than 30 days before the date of the application
- Letter of Authorization: From registered owner(s) of the land whose name(s) appear on the title
- Letter of Intent: As per attached checklist
- Site Plan: As per attached checklist
- Community Participation Report: As per attached checklist
- Other plans and documentation may be required, depending on the nature of the request

*\*\*Application may not be processed until all of the above information has been submitted\*\**

### Timelines

The process generally can take seven (7) weeks at best. Complicated applications may take a longer period of time. If the request is determined by the Planning, Property & Buildings Department to be a minor variance (a deviation from the Zoning By-law of no more than 10%), the process may take as little as two (2) weeks.

### Decision Making Authority

Variance applications are decided by the Planning Commission, an independent body of five (5) members appointed by City Council. If there is an appeal to the Planning Commission's decision, City Council will make a final decision. Minor variance applications may be decided by the Planning & Buildings Department.

### Pre-Application Review

Before formal submission of an application, the Planning, Property & Buildings Department can do a preliminary review of the application package and, if necessary, advise the applicant on which elements of the package should be revisited. The Planning & Buildings Department cannot guarantee support or approval of an application, as it must objectively analyze all applications. The pre-application review may take two to three (2-3) weeks.

### Public Hearing

The applicant must attend a public hearing scheduled by the Planning & Buildings Department, and he/she is responsible to present details of his/her application and answer any questions the Planning Commission may have. The public hearing allows the general public to comment on the application prior to the Planning Commission's decision.

### Appeals

Anyone who commented on the application and is not satisfied with the Planning Commission's decision may file an appeal in writing to the Office of the City Clerk. The appeal must indicate who is appealing, the Variance Order number, and the reasons for the appeal.

### Conditions and Limits of Approval

Variance approvals that have been inactive for twelve (12) consecutive months will lapse and become null and void. Some approvals may have conditions attached; unless otherwise indicated in the conditions, they must be satisfied within twelve (12) months of the date of approval.

## Letter of Authorization

Date: \_\_\_\_\_

To: City of Brandon  
Planning & Buildings Department  
638 Princess Avenue  
Brandon, MB R7A 0P3

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:

_____	_____	_____
Name (Print)	Name (Signed)	Date
_____	_____	_____
Name (Print)	Name (Signed)	Date
_____	_____	_____
Name (Print)	Name (Signed)	Date
_____	_____	_____
Name (Print)	Name (Signed)	Date

## Letter of Intent (Variance) Requirements

All letters of intent must have the following information:

*For Planning Office Use Only*

	<b><i>Provided</i></b>	<b><i>N/A</i></b>
1. Business/Formal letter format (addressed to “City of Brandon Planning & Buildings Department”, signed and dated)	<input type="checkbox"/>	<input type="checkbox"/>
2. Name(s) of applicant(s)	<input type="checkbox"/>	<input type="checkbox"/>
3. Location of proposed development (civic address and legal description)	<input type="checkbox"/>	<input type="checkbox"/>
4. Description of proposed development/request (e.g. What kind of variance is being sought? What is being constructed/developed on site?)	<input type="checkbox"/>	<input type="checkbox"/>
5. Demonstrate the proposal meets the four criteria set forth in Section 97(1) of <u>The Planning Act</u> to approve a variance		
• Will it be compatible with the general nature of the surrounding area?	<input type="checkbox"/>	<input type="checkbox"/>
• Will it be detrimental to the health of general welfare of people living or working in the surrounding area, or negatively affect other properties or potential development in the surrounding area?	<input type="checkbox"/>	<input type="checkbox"/>
• Is it the minimum modification of the zoning by-law required to relieve the injurious effect of the zoning by-law on the applicant’s property?	<input type="checkbox"/>	<input type="checkbox"/>
• Is it generally consistent with the applicable provisions of the development plan by-law, the zoning by-law and any secondary plan by-law?	<input type="checkbox"/>	<input type="checkbox"/>

## Site Plan (Conditional Use and Variance) Requirements

The site plan must be drawn to scale with all dimensions clearly labeled and submitted in PDF and paper format (Maximum Size: 11" x 17") showing:

*For Planning Office Use Only*

	<b><i>Provided</i></b>	<b><i>N/A</i></b>
1. Title and date (latest revision)	<input type="checkbox"/>	<input type="checkbox"/>
2. North arrow (oriented to top of page)	<input type="checkbox"/>	<input type="checkbox"/>
3. Drawing scale (metric)	<input type="checkbox"/>	<input type="checkbox"/>
4. Location (civic address and legal description)	<input type="checkbox"/>	<input type="checkbox"/>
5. Site lines and all adjacent public rights-of-way	<input type="checkbox"/>	<input type="checkbox"/>
6. All easements (e.g. utility, overland drainage)	<input type="checkbox"/>	<input type="checkbox"/>
7. Total floor area of building(s) (m <sup>2</sup> )	<input type="checkbox"/>	<input type="checkbox"/>
8. Existing/proposed buildings (include setbacks from property lines)	<input type="checkbox"/>	<input type="checkbox"/>
9. Roadways, driveways, laneways, aisles	<input type="checkbox"/>	<input type="checkbox"/>
10. Pedestrian connections	<input type="checkbox"/>	<input type="checkbox"/>
11. Parking	<input type="checkbox"/>	<input type="checkbox"/>
12. Existing/proposed utilities on or near the site	<input type="checkbox"/>	<input type="checkbox"/>
13. Any other information as required	<input type="checkbox"/>	<input type="checkbox"/>

## Community Participation Report

All community participation reports must include the following information:

*For Planning Office Use Only*

	<b><i>Provided</i></b>	<b><i>N/A</i></b>
1. Business/Formal letter format (addressed to “City of Brandon & Buildings Department”, signed and dated)	<input type="checkbox"/>	<input type="checkbox"/>
2. Name(s) of applicant(s)	<input type="checkbox"/>	<input type="checkbox"/>
3. Method(s) of notification	<input type="checkbox"/>	<input type="checkbox"/>
4. List of properties that were notified	<input type="checkbox"/>	<input type="checkbox"/>
5. Summary of comments or concerns	<input type="checkbox"/>	<input type="checkbox"/>
6. Summary of efforts to address comments or concerns	<input type="checkbox"/>	<input type="checkbox"/>
7. If a public meeting is held, the date and location of the meeting	<input type="checkbox"/>	<input type="checkbox"/>