

Variance to Zoning By-law No. 7124

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

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

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

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

References:

City Plan By-law No. 7392; Applicable Secondary Plan By-law; COB Zoning By-Law No. 7124

*\*\*Prior to submitting a formal application, the Planning & Building Safety 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 City 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 Development Services, 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 06/2024

## 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 may not be processed until all information has been submitted\*\***

- Application Fee: See fee schedule
- Status of Title: Issued by Brandon LTO 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

### 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 Development Services 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 Development Services.

### Pre-Application Review

Before formal submission of an application, Development Services can do a preliminary review of the application package and, if necessary, advise the applicant on which elements of the package should be revisited. Development Services 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 Development Services, and they are responsible to present details of their 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.



Development Services  
638 Princess Avenue, Brandon MB R7A 0P3  
T: 204-729-2110 F: 204-728-2406  
[www.brandon.ca/planning](http://www.brandon.ca/planning)

## Letter of Authorization

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

To: City of Brandon  
Planning, Property & 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:

1. Business/Formal letter format (addressed to "City of Brandon Planning & Building Safety Department", signed and dated)
2. Name(s) of applicant(s)
3. Location of proposed development (civic address and legal description)
4. Description of proposed development/request (e.g. What kind of variance is being sought? What is being constructed/developed on site?)
5. Demonstrate the proposal meets the four criteria set forth in Section 97(1) of The Planning Act to approve a variance:
  - Will it be compatible with the general nature of the surrounding area?
  - 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?
  - 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?
  - Is it generally consistent with the applicable provisions of the development plan by-law, the zoning by-law and any secondary plan by-law?

## 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:

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

## Community Participation Report

All community participation reports must include the following information:

1. Business/Formal letter format (addressed to “City of Brandon Planning & Building Safety Department”, signed and dated)
2. Name(s) of applicant(s)
3. Method(s) of notification
4. List of properties that were notified
5. Summary of comments or concerns
6. Summary of efforts to address comments or concerns
7. If a public meeting is held, the date and location of the meeting