

Date of Application: _____

APPLICATION FOR ZONING VARIANCE

A Applicant/Owner Information																																					
1	Applicant is the: <input type="checkbox"/> Owner <input type="checkbox"/> Authorized Agent of the owner (Letter of authorization from owner must be attached)																																				
2	Applicant Information: <table border="1"> <tr> <td>Last Name:</td> <td>First Name:</td> <td colspan="2">E-mail</td> </tr> <tr> <td></td> <td></td> <td>Telephone:</td> <td>Cell Ph:</td> </tr> <tr> <td>City:</td> <td>Province:</td> <td>Postal Code:</td> <td>Fax:</td> </tr> <tr> <td colspan="2">Location of Variance:</td> <td colspan="2">Legal Description:</td> </tr> <tr> <td colspan="2"></td> <td>Lot:</td> <td>Block: Plan:</td> </tr> <tr> <td colspan="2">Type of Variance:</td> <td colspan="2">Zoning of Property:</td> </tr> <tr> <td colspan="2"></td> <td colspan="2"></td> </tr> <tr> <td colspan="4">Reason for Variance Application:</td> </tr> <tr> <td colspan="4"></td> </tr> </table>	Last Name:	First Name:	E-mail				Telephone:	Cell Ph:	City:	Province:	Postal Code:	Fax:	Location of Variance:		Legal Description:				Lot:	Block: Plan:	Type of Variance:		Zoning of Property:						Reason for Variance Application:							
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Reason for Variance Application:																																					
B Application Process																																					
1	Discussion with Staff <input type="checkbox"/> Manager of Development Services <input type="checkbox"/> Senior Building Official																																				
2	Understanding of Minor Variances <input type="checkbox"/> Before endorsing this form, it is verified that the Applicant has read Section 2.16 of Zoning Bylaw No. 24 – 2014 (excerpt attached) and acknowledges by his/her signature that he/she fully understands and agrees to the provisions as outlined therein.																																				
3	Application Package <small>Needs to be a "complete application" Allow one week processing time.</small> <input type="checkbox"/> Fee (\$50.00) <input type="checkbox"/> Form <input type="checkbox"/> Letter <input type="checkbox"/> Graphics																																				
4	Reviewed by: <input type="checkbox"/> Manager of Development Services Comments: _____ <input type="checkbox"/> Senior Building Official Comments: _____																																				
5	Reviewed by: <small>Allow two weeks processing time.</small> <input type="checkbox"/> General Manager Comments: _____																																				
6	Adjoining Property Owner Notice <input type="checkbox"/> Informational letter sent to adjoining property owners within 20 days of Application.																																				
7	Date of Determination <small>23 days after mailing letter to adjoining property owners.</small> <input type="checkbox"/> No concerns from adjoining neighbors <input type="checkbox"/> Objection received from adjoining neighbor/s generating an Appeal																																				



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 Planning & Growth Development
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C Appeal		
1	Appeal Request	<input type="checkbox"/> Appeal of Objection to the Development Appeals Board was submitted within 30 days of Notice of Action taken.

Declaration of Applicant:

I /We _____ (print names) hereby certify that all the above statements contained within this application are true, and I make this solemn declaration conscientiously believing it to be true and knowing that it is or the same force and effect as if made under oath, and by virtue of *The Canada Evidence Act*.

Signature of Property Owner/Applicant _____
 Date

If not the legal or beneficial owner:

I/We _____ (print name(s)) are authorized by the property owner(s)
 _____ (print name(s)) to act on their behalf regarding the processing of this application.

(See attached letter of authorization from the property owner)

**Excerpt taken from Zoning Bylaw No. 24 - 2014*

2.16 **Minor Variances**

2.16.1 The authority having jurisdiction may vary the requirements of this Bylaw subject to the following conditions:

- 2.16.1.1 a minor variance may be granted for variation of the following items:
 - 2.16.1.1.1 the minimum required distance of a building from any lot line;
 - 2.16.1.1.2 the minimum required distance of a building to any other building on the same lot;
 - 2.16.1.1.3 the minimum height allowed for the permitted use or structure; or
 - 2.16.1.1.4 the minimum lot area requirement.
- 2.16.1.2 the maximum amount of minor variance for each variation sought shall generally not exceed 10% of the requirements of this Bylaw; the authority having jurisdiction may authorize limited exceptions if the circumstances warrant this allowance being exceeded by a fractional amount.
- 2.16.1.3 the development shall conform to this Bylaw with respect to the use of land;
- 2.16.1.4 the relaxation of this Bylaw shall not have a significant impact on and not be injurious to any neighboring properties;
- 2.16.1.5 no minor variance shall be granted for a discretionary use, a discretionary form of development or in connection with an agreement on rezoning entered into pursuant to Section 60 of *The Planning and Development Act, 2007*.
- 2.16.1.6 no minor variances shall be granted for lots within the R1S – Single-Detached Small Lot Dwelling Residential District and the R5-Small Lot Dwelling Residential District.
- 2.16.1.7 no minor variances shall be granted for work done at any site that was initiated or completed on the site by the current property owner or applicant without a development permit and/or building permit. A self-imposed condition is not sufficient grounds for seeking any minor variation. The applicant may seek an appeal to the Development Appeals Board.
- 2.16.1.8 no minor variances shall be considered for any building or structure not yet built if the redesign of that building or structure can meet or exceed the minimum property development standards for which a minor variance is sought. Property owners must first exhaust reasonable design alternatives before seeking any consideration for a minor variance on the site. The applicant may seek an appeal to the Development Appeals Board.

**Excerpt taken from Zoning Bylaw No. 24 – 2014...Cont.*

- 2.16.2 An application for a minor variance shall be made prior to or in conjunction with an application for a Development Permit and prior to seeking a Building Permit.
- 2.16.3 An application for a minor variance shall be in a form prescribed by the authority having jurisdiction and shall be accompanied by an application fee as outlined in Schedule “D” of this Bylaw. The fee is for single or multiple requests with the same application.
- 2.16.4 Within two (2) weeks after an application for minor variance occurs, the authority having jurisdiction shall in writing:
- 2.16.4.1 approve the minor variance;
 - 2.16.4.2 approve the minor variance and impose terms and conditions on the approval; or
 - 2.16.4.3 refuse the minor variance.
- 2.16.5 Where the authority having jurisdiction imposes terms and conditions on an approval pursuant to Subsection 2.16.4(b), the terms and conditions shall be consistent with the general development standards in this Bylaw.
- 2.16.6 Where an application for a minor variance is refused, the authority having jurisdiction shall notify the applicant in writing of the refusal and provide reasons for the refusal.
- 2.16.7 Where an application for a minor variance is approved, with or without terms and conditions being imposed, the authority having jurisdiction shall provide written notice to the applicant and to the assessed owners of property having a common boundary with the applicant’s land that is the subject of the application.
- 2.16.8 The written notice required pursuant to Subsection 2.16.7 shall:
- 2.16.8.1 contain a summary of the application for minor variance;
 - 2.16.8.2 provide a reason for and an effective date of the decision;
 - 2.16.8.3 indicate that an adjoining assessed owner may within twenty (20) days, lodge a written objection with the authority having jurisdiction; and
 - 2.16.8.4 where there is an objection described in Subsection 2.16.8(c), advise the applicant of the right of appeal to the Development Appeals Board.
- 2.16.9 The written notice required pursuant to Subsections 2.16.6, 2.16.7 or 2.16.11 shall be delivered:
- 2.16.9.1 by registered mail; or
 - 2.16.9.2 by personal service.
- 2.16.10 A decision approving a minor variance, with or without terms and conditions, does not take effect:

**Excerpt taken from Zoning Bylaw No. 24 – 2014...Cont.*

- 2.16.10.1 in the case of a notice sent by registered mail, until twenty-three (23) days from the date the notice was mailed; or
 - 2.16.10.2 in the case of a notice that is delivered by personal service, until twenty (20) days from the date the notice was served.
- 2.16.11 If an assessed owner of property having a common boundary with the applicant's land objects, in writing, to the authority having jurisdiction respecting the approval of the minor variance within the time periods prescribed in Subsection 2.16.10, the approval is deemed to be revoked and the authority having jurisdiction shall notify the applicant in writing:
- 2.16.11.1 of the revocation of the approval; and
 - 2.16.11.2 of the applicant's right to appeal the revocation to the Development Appeals Board within thirty (30) days of receiving the notice.
- 2.16.12 If an application for a minor variance is refused or approved with terms and conditions, the applicant may appeal to the Development Appeals Board within thirty (30) days of the date of that decision.
- 2.16.13 No application for a minor variance which has been refused shall be resubmitted for twelve (12) months from the date of the notice of the decision, except in two instances: a) where the new request is a significant change from the original application, or b) on grounds of new evidence which finds the original decision invalid.