

VARIATION ORDER - Process and Procedures

What is Zoning?

Zoning is a tool used to promote orderly development within our community. Zoning works by regulating the use of land and the use and location of buildings and structures. Zoning typically involves grouping land in the community (rural and urban) into “zones” or “districts”, with each “zone” permitting certain compatible land uses according to specified standards of development. Council sets these standards as representatives of the community.

What is a Variation Order?

In specific situations where compliance with the zoning requirements is unreasonable or impractical, a property owner can apply to Council for approval of a Variation Order. Typically, a variation order would provide specific “relief” from the zoning requirements governing: minimum yards, dwelling unit density, building height, site area, width or coverage, building floor space, or parking and loading space requirements as they apply to an individual site.

Information required with your application:

- A currently dated (within 30 days) copy of the Certificate of Title for the affected property (available from Brandon Land Titles Office, 705 Princess Avenue, 204-726-6279);
- Detailed Letter of Intent describing the application and any reasons supporting it, and any other information that may help explain the proposal; (Please see: “Writing a Letter of Intent”)
- Detailed site plan showing accurate dimensions of the parcel; location and dimensions of all existing and/or proposed buildings and structures including distances from property lines, traffic/parking layout, access, and landscaping;
- Letter of Authorization to apply if applicant is other than the property owner; and
- The application fee (payable to Brandon and Area Planning District) of: **see fee schedule**.

What happens to your application after it is submitted?

- A date and time for the hearing with Council will be set upon receipt of a complete application. Applications are required at least 28 days before the Council hearing in order to meet the circulation requirements as outlined in The Planning Act.
- At least 14 days prior to the Council hearing, notices will be sent to each assessed property owner within a 100 metre (328 foot) radius of the affected property.
- The applicant is responsible to place the required “Notice of Hearing” posters on the affected property at least 14 days prior to the Council hearing. The applicant is responsible for maintaining the poster over the 14 day period. Notice of Hearing posters are required to be posted in most area of the City of Brandon and in most areas of Chater, Forrest, Sprucewoods and Justice.
- At the hearing, the applicant and any other person(s) may make a presentation to Council. Council may either approve or reject the application or may approve with certain conditions. Occasionally, Council will delay their decision until the next meeting if they require additional information.
- The decision of Council is final and not subject to any appeal. Approval of the application shall expire if it is not acted upon within 12 months of the date of the decision, unless renewed before the expiry date by Council for an additional period not exceeding 12 months.

Please be advised that you or your representative should attend the hearing in order to present your application to Council. If no one will be attending, please advise our office as soon as possible.

Any questions pertaining to this process may be directed to: Brandon & Area Planning District 204-729-2110

Brandon & Area Planning District Refund Policy (for application made on property located within the RMs of Cornwallis or Elton)

Any Application will be fully refunded if withdrawn within 5 business days following the day of processing of receipt.