

APPENDIX D

Section 20 Variance Authority *(Amendment LU 573 – Adopted April 13, 2022)*

- 20.1 The Development Officer may allow a variance of up to 25% in regard to front, rear, and side yard setbacks, building height requirements, floor area and lot coverage except within lands identified as Urban Fringe areas within the Intermunicipal Development Plan with the Town of Bonnyville. Lands within identified Urban Fringe areas may be permitted a variance of up to a maximum of 10%. Any variance that exceeds the limits above, shall be referred to Council for decision.
- 20.2 A variance may be considered in cases of practical difficulties particular to the use, character, or situation of land or building which are not generally common to other land in the same land use district.
- 20.3 A variance may only be granted if, in the opinion of the Development Authority:
- (a) the proposed development would not:
 - i) unduly interfere with the amenities of the neighbourhood; or
 - ii) materially interfere with or affect the use, enjoyment or value of neighbouring properties; and
 - (b) the proposed development conforms with the use prescribed for the land or building under this Bylaw.
- 20.4 A variance will not be allowed if the granting of the variance contravenes the requirements of the Municipal Government Act or Subdivision and Development Regulation, and amendments thereto (for example, Provincial legislation).
- 20.5 In the event that a variance is granted, the Development Authority shall specify the nature of the variance in the development permit approval.