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SIGN VARIANCE APPEAL GUIDE

INTRODUCTION

On June 29, 2021, the City adopted Sign By-law 2021-111. This By-law came into full force and effect on September 1, 2021 and provided for a new appeal process for refused variances. For further information on the Appeal of Refusal to Grant Variance, please see section 65 of the By-law.

ABOUT THE SIGN VARIANCE COMMITTEE

The Sign Variance Committee is a group of five Council appointed members of the public who hear and view evidence on sign variance appeals.

FILING AN APPEAL

1. Who can file an appeal and what is the deadline to file an appeal?

The applicant may appeal a decision where the Variance Official refuses an application for variance by applying in writing to the Variance Official for a hearing before the Sign Variance Committee via a Sign Variance Appeal Form ("Appeal Form") within thirty (30) days of the date of the Notice of Decision.

2. How to file an appeal of a refusal to grant variance:

To file an appeal, the applicant must submit an Appeal Form, supporting documents and administrative fee, in accordance with the City's User Fees By-law, to the Variance Official within thirty (30) days of the date of the Notice of Decision.

The Appeal Form must clearly set out valid reasons for the appeal, ie. address how the decision failed to consider the criteria set out in Subsection 64(6) of the Sign By-law.

Please note that the Variance Official screens appeals to identify whether they were filed on time, applies to a variance and that the administrative fee has been paid. The Variance Official

can refuse to process an appeal if they find that the documents filed are incomplete, filed without a fee or otherwise not in compliance with Subsections 65(1) and (2) of the Sign By-law.

3. How is an appeal processed once the Variance Official receives it?

Once the Variance Official receives the appeal and the administrative fee, the Variance Office will initiate a formal process to structure how the appeal will be heard and how an applicant will participate.

The Variance Official will schedule the appeal on a Sign Variance Committee agenda and the Variance Official will send the applicant a Notice of Hearing, which will include the date and time of the hearing.

SUBMITTING EVIDENCE

1. How to submit evidence to the Sign Variance Committee for the hearing:

The applicant may submit evidence to the Variance Official. The Variance Official will provide the evidence to the Sign Variance Committee, the Permit Issuer and any other appropriate City staff the Variance Official they deem appropriate.

2. Deadline to submit evidence to the Sign Variance Committee:

The deadline to submit evidence to the Sign Variance Committee is five (5) business days prior to the scheduled hearing.

ORDER OF PRESENTING AT A HEARING

The Chair of the Sign Variance Committee will direct the order in which an applicant may make a statement and present evidence. This direction will be given at the beginning of the hearing.

DECISIONS

Sign Variance Committee will render a decision immediately following the hearing and written confirmation of the decision will be mailed to the applicant within ten (10) days of the hearing.

Application Date (yyyy-mm-dd)

Decision Under Appeal

Variance Application No.

Street No.

Street Name

Township

Appellant Information

First Name

Last Name

Company Name (if applicable)

Telephone No.

Street No.

Street Name

Suite / Unit No.

Mobile No.

City / Town

Province

Postal Code

Fax No.

E-mail address

Appellant Representative/Agent

Last Name

First Name

Company Name

Telephone No.

Street No.

Street Name

Suite / Unit No.

Mobile No.

City / Town

Province

Postal Code

Fax No.

E-mail Address

Details

Additional space available on pages 3 & 4

Describe the variance that was applied for:

Provide reasons/justifications for the appeal (attach any supporting documentation or additional pages as required).

Attachment Required

- A copy of the original decision on the variance application; and
- Copies of any supporting documents

Appellant Information and Declaration

| | | | |
|------------------------------|-------------|------------------|---------------|
| First Name I, | | Last Name | |
| Company Name (if applicable) | | | Telephone No. |
| Street No. of, | Street Name | Suite / Unit No. | Mobile No. |
| City/Town | Province | Postal Code | Fax No. |

E-mail Address

do hereby declare the following:

- that the statements contained in this application are true and made with full knowledge of relevant matters and of the circumstances connected with this application;
- that any supporting documents submitted are prepared for the sign variance(s) appeal described above and are submitted in compliance with copyright law; and
- that the information included in this application and in the documents filed with this application is correct;
- that any information and materials provide to the City as a part of this application, including any personal information, shall be considered public information and may be made available to the public;
- that permission is granted to City to reproduce, in whole or in part, the application and supporting materials for internal use, inclusion in staff reports or distribution to the public for the purpose of public consultation or any other use associated with the purpose of review of implementation of the application; and
- that in accordance with *Municipal Freedom of Information and Protection of Privacy Act*, I consent to the use and disclosure of information and materials, inclusive of any personal information, in any manner chosen by the City, including copying, posting on the City's website, advertising in a newspaper, routine distribution to members of council or in staff reports, or release through a third party request.

| | |
|-------------------|--|
| Date (yyyy-mm-dd) | X Signature |
| | Print name |
| | I/We have authority to bind the corporation. |

| | |
|--|---|
| E-mail your completed Sign Variance Appeal to: | coa_mv@greatersudbury.ca |
| Fax your completed Sign Variance Appeal to: | (705) 673-2200 |
| Mail your completed Sign Variance Appeal to: | Planning Services Attention: Variance Official City of Greater Sudbury P.O. Box 5000 Stn. A Sudbury, ON P3A 5P3 |

Privacy

Personal information on this form is collected under sections 10 and 227 of the *Municipal Act, 2001* and By-Law 2021-111 of City of Greater Sudbury. The collected information will be used for processing applications, forms and creating aggregate statistical reports, for enforcement of City of Greater Sudbury's By-law 2021-111 and any other applicable sign by-law of the City of Greater Sudbury, and for contacting permit holder(s) or authorized agent(s). Please direct any questions about the collection of this information to **Consent Official/Secretary-Treasurer at the Committee of Adjustment, City of Greater Sudbury**, 200 Brady Street, PO Box 5000, Sudbury Ontario, P3A 5P3, (705) 674-4455 extension 4376 or 4346.

Details

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Describe the variance that was applied for:

Details

Provide reasons/justifications for the appeal (attach any supporting documentation or additional pages as required).