

whose property is within the greater of thirty metres and the distance set by the land-use by-law or by policy of the applicant's property.

- (2) The notice shall
- (a) describe the variance granted;
 - (b) identify the property where the variance is granted; and
 - (c) set out the right to appeal the decision of the development officer.

(3) Where a variance is granted, a property owner served a notice may appeal the decision to the council within fourteen days after receiving the notice.

(4) Where a variance is refused, the applicant may appeal the refusal to council within seven days after receiving notice of the refusal, by giving written notice to the clerk who shall notify the development officer.

(5) Where an applicant appeals the refusal to grant a variance, the clerk or development officer shall give seven days written notice of the hearing to every assessed owner whose property is within thirty metres of the applicant's property.

- (6) The notice shall
- (a) describe the variance applied for and the reasons for its refusal;
 - (b) identify the property where the variance is applied for; and
 - (c) state the date, time and place when council will hear the appeal. 1998, c. 18, s. 236; 2008, c. 25, s. 7.

Grounds for appeal

236A (1) Any appeal of a decision or matter referred to in Sections 232 to 236 must, at the time the appeal is filed, clearly state the grounds for appeal.

(2) An appeal of a decision or matter referred to in Sections 232 to 236 may not be made in respect of a non-substantive matter prescribed by the regulations.

(3) A council shall dismiss without hearing any appeal that fails to comply with subsection (1) or is in respect of a non-substantive matter prescribed by the regulations.

(4) The Minister may make regulations prescribing non-substantive matters for the purpose of this Section.

(5) The exercise by the Minister of the authority contained in subsection (4) is a regulation within the meaning of the *Regulations Act*. 2024, c. 3, s. 94.

Variance appeals and costs

237 (1) Where a council hears an appeal from the granting or refusal of a variance, the council may make any decision that the development officer could have made.

(2) A development officer shall issue a development permit for any development for which a variance has been granted and which otherwise complies with the terms of the development agreement or a land-use by-law, whichever is applicable, if

(a) the appeal period has elapsed and no appeal has been commenced; or

(b) all appeals have been abandoned or disposed of or the variance has been affirmed by the council.

(3) A council may by resolution provide that any person applying for a variance shall pay the municipality the cost of

(a) notifying affected land owners;

(b) posting a sign. 1998, c. 18, s. 237; 2003, c. 9, s. 64.

Nonconforming structure or use

238 (1) A nonconforming structure, nonconforming use of land or nonconforming use in a structure, may continue if it exists and is lawfully permitted at the date of the first publication or posting of the notice of intention to adopt or amend a land-use by-law.

(2) A nonconforming structure is deemed to exist at the date of the first publication or posting of the notice of intention to adopt or amend a land-use by-law, if the

(a) nonconforming structure was lawfully under construction and was completed within a reasonable time; or

(b) permit for its construction was in force and effect, the construction was commenced within twelve months after the date of the issuance of the permit and the construction was completed in conformity with the permit within a reasonable time.

(3) A nonconforming use in a structure is deemed to exist at the date of the first publication or posting of the notice of intention to adopt or amend a land-use by-law if

(a) the structure containing the nonconforming use was lawfully under construction and was completed within a reasonable time; or