

## **Sign & Other Advertising Devices By-law 10-197**

### **6.0 VARIANCES**

- 6.1 Any Person may apply for a variance from this By-law or any provision thereof.
- 6.2 An application for variance shall be made on the form prescribed by the City of Hamilton, and shall be accompanied by the applicable fee, as set out in Schedule "A".
- 6.3 Variances may be authorized by the Director of Development and Real Estate or his designate.
- 6.4 The City of Hamilton may authorize a variance if, in its opinion, the general intent and purpose of the By-law are maintained.
- 6.5 In considering an application for a variance, the City of Hamilton shall have regard for:
- (a) Special circumstances or conditions applying to the land, building, or use referred to in the application;
  - (b) Whether strict application of the provisions of this By-law in the context of the special circumstances applying to the land, building, or use, would result in practical difficulties or unnecessary and unusual hardship for the applicant, inconsistent with the general intent and purpose of this By-law;
  - (c) Whether such special circumstances or conditions are pre-existing and not created by the Sign Owner or applicant; and,
  - (d) Whether the Sign that is the subject of the variance will alter the essential character of the area in which the Sign will be located.
- 6.6 An applicant may appeal the variance application decision of the Director of Development and Real Estate to the Planning and Economic Development Committee.
- 6.7 The City Clerk shall notify the applicant once a hearing date before the Planning and Economic Development Committee has been fixed, and if the applicant does not attend at the appointed time and place, the Committee may proceed in the absence of the applicant and the applicant shall not be entitled to further notice in the proceeding.
- 6.8 Council may uphold or vary the recommendations of the Planning and Economic Development Committee, or do any act or make any decision that it might have done had it conducted the hearing itself, and the applicant shall not be entitled to a further hearing on the matter before Council, and the decision of Council shall be final.